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# Contents

Federal Register

Vol. 81, No. 36

Wednesday, February 24, 2016

## Agency for International Development

### NOTICES

Meetings:

Board for International Food and Agricultural Development, 9161

## Agency for Toxic Substances and Disease Registry

### NOTICES

Draft Toxicological Profiles; Jet Fuels and 1-Bromopropane, 9198

## Agriculture Department

See Food Safety and Inspection Service

See Forest Service

See Grain Inspection, Packers and Stockyards Administration

## Alcohol and Tobacco Tax and Trade Bureau

### RULES

Establishment of Viticultural Areas:

Lamorinda, 9105–9109

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9245–9248

## Centers for Disease Control and Prevention

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9198–9201

## Centers for Medicare & Medicaid Services

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9201–9202

## Coast Guard

### RULES

Drawbridge Operations:

Atchafalaya River, Morgan City, LA, 9109

### NOTICES

Meetings:

Merchant Marine Personnel Advisory Committee, 9209–9210

## Commerce Department

See Foreign-Trade Zones Board

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

See National Telecommunications and Information Administration

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9168

## Consumer Product Safety Commission

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Safety Standard for Omnidirectional Citizens Band Base Station Antennas, 9173

## Corporation for National and Community Service

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9173–9174

## Defense Department

### NOTICES

Privacy Act; Systems of Records, 9174–9175

## Drug Enforcement Administration

### NOTICES

Manufacturers of Controlled Substances Registrations:

Cedarburg Pharmaceuticals, Inc., Grafton, WI, 9219–9220

Chemtos, LLC, 9220

Manufacturers of Controlled Substances; Applications:

Cayman Chemical Co., Ann Arbor, MI, 9217–9219

Insys Therapeutics, Inc., Round Rock, TX, 9220

Janssen Pharmaceutical, Inc., Athens, GA, 9219

## Energy Department

See Federal Energy Regulatory Commission

### NOTICES

Meetings:

Biomass Research and Development Technical Advisory Committee, 9176–9177

DOE/NSF Nuclear Science Advisory Committee, 9176

Environmental Management Site-Specific Advisory

Board, Paducah, 9175–9176

## Environmental Protection Agency

### RULES

Air Quality Implementation Plans; Approvals and

Promulgations:

Georgia—Redesignation of the Atlanta, 1997 Annual PM<sub>2.5</sub> Nonattainment Area to Attainment, 9114–9116

Review of New Sources and Modifications in Indian

Country:

Extension of Permitting and Registration Deadlines for True Minor Sources Engaged in Oil and Natural Gas Production, 9109–9113

## Equal Employment Opportunity Commission

### PROPOSED RULES

Affirmative Action for Individuals with Disabilities in the Federal Government, 9123–9139

## Federal Aviation Administration

### RULES

Restricted Areas

Change of Controlling Agency for North Carolina, 9089–9090

### NOTICES

Noise Exposure Maps:

Los Angeles International Airport, Los Angeles, CA, 9242–9243

## Federal Communications Commission

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9194

**Federal Deposit Insurance Corporation****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9194–9196  
 Terminations of Receiverships:  
 Champion Bank, Creve Coeur, MO, 9196

**Federal Emergency Management Agency****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 The Declaration Process: Requests for Preliminary Damage Assessment, etc., 9211–9212  
 Meetings:  
 Technical Mapping Advisory Council, 9210–9211

**Federal Energy Regulatory Commission****RULES**

Fee Schedules for the Use of Government Lands by Hydropower Licensees, 9090–9105

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9179–9180  
 Annual Charges for the Use of Government Lands for Fiscal Year 2016, 9192  
 Combined Filings, 9178–9181  
 Environmental Assessments; Availability, etc.:  
 Dominion Transmission, Inc.; Leidy South Project, 9177–9178  
 Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response, 9182–9192  
 Filings:  
 Richardson, Alan C. and Chahley, Kris, 9180  
 Robert G. Belliveau, 9193  
 License Applications:  
 Flambeau Hydro, LLC, 9193–9194  
 Petitions for Declaratory Orders:  
 Platte River Midstream, LLC, 9181  
 Tri-State Generation and Transmission Association, Inc., 9182  
 Post-Technical Conference Comment Schedule Revisions:  
 PJM Interconnection, LLC, et al., 9192–9193  
 Preliminary Permit Applications:  
 Energy Resources USA Inc., 9177, 9180  
 Refund Effective Dates:  
 West-Wide Must-Offer Requirements, 9193

**Federal Housing Finance Agency****NOTICES**

Annual Adjustment of the Cap on Average Total Assets that Defines Community Financial Institutions, 9196–9197

**Federal Maritime Commission****NOTICES**

Agreements Filed, 9197  
 Complaints and Assignments:  
 KSB Shipping and Logistics LLC v. Direct Container Line aka Vanguard Logistics, 9197

**Federal Motor Carrier Safety Administration****RULES**

Commercial Zones at International Border with Mexico, 9117–9121

**Federal Railroad Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9243–9245

**Federal Reserve System****RULES**

Federal Reserve Bank Capital Stock, 9082–9089

**NOTICES**

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 9197–9198

**Financial Crimes Enforcement Network****PROPOSED RULES**

Withdrawal of Finding Regarding Liberty Reserve S.A., 9139

**Fish and Wildlife Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Federal Subsistence Regulations and Associated Forms, 9216–9217

**Food and Drug Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Outcomes Evaluation Survey for Graduates of the Food and Drug Administration Commissioner's Fellowship Program, 9202–9203  
 Request for Expressions of Interest:  
 Private Payer Coverage to Medical Device Sponsors Who Request Their Participation in a Pre-Submission Meeting with the Food and Drug Administration, 9203–9204

**Food Safety and Inspection Service****RULES****Meetings:**

Mandatory Inspection of Fish of the order Siluriformes and Products Derived from Such Fish; Educational Meetings for Importers Inspection, 9081–9082

**NOTICES****Meetings:**

Codex Alimentarius Commission Codex Committee on Pesticide Residues, 9161–9162

**Foreign-Trade Zones Board****NOTICES**

Applications for Reorganization under Alternative Site Framework:  
 Foreign-Trade Zone 70; Detroit, MI, 9168

**Forest Service****NOTICES****Charter Renewals:**

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule, 9164–9165

**Environmental Impact Statements; Availability, etc.:**

Caribou-Targhee National Forest; Ashton/Island Park Ranger Station; Idaho; Buffalo TSI, 9165–9167

**Meetings:**

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule, 9167–9168

North Central Idaho Resource Advisory Committee, 9163–9164

Trinity County Resource Advisory Committee, 9162–9163  
 New Fee Sites, 9163

**Grain Inspection, Packers and Stockyards Administration****PROPOSED RULES**

Reauthorization of the United States Grain Standards Act, 9122

**Health and Human Services Department**

See Agency for Toxic Substances and Disease Registry  
See Centers for Disease Control and Prevention  
See Centers for Medicare & Medicaid Services  
See Food and Drug Administration  
See Health Resources and Services Administration  
See National Institutes of Health

**Health Resources and Services Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9205

**Homeland Security Department**

See Coast Guard  
See Federal Emergency Management Agency

**Housing and Urban Development Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Manufactured Housing Survey, 9212–9213  
Previous Participation Certification, 9213–9214  
Public Housing Agency 5-Year and Annual Plan, 9214–9215  
Public Housing Capital Fund Program, 9215–9216

**Interior Department**

See Fish and Wildlife Service  
See National Park Service

**Internal Revenue Service****PROPOSED RULES**

Country-by-Country Reporting; Correction, 9122

**International Trade Administration****NOTICES**

Export Trade Certificates of Review, 9169

**Judicial Conference of the United States****NOTICES**

Meetings:  
Advisory Committee on Rules of Appellate Procedure, 9217

**Justice Department**

See Drug Enforcement Administration

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9221–9223  
Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
National Firearms Act Responsible Person Questionnaire, 9224–9225  
Relief of Disabilities and Application for Restoration of Explosives Privileges, 9221–9222  
Tobacco Inventory Report; Correction, 9224  
Proposed Consent Decrees Under the Clean Water Act, 9224

**National Aeronautics and Space Administration****NOTICES**

Meetings:  
NASA Advisory Council, Aeronautics Committee, 9225

**National Institute of Standards and Technology****NOTICES**

Meetings:  
Information Security and Privacy Advisory Board, 9169–9170

**National Institutes of Health****NOTICES**

Meetings:  
Center for Scientific Review, 9207–9208  
National Cancer Institute, 9208  
National Heart, Lung, and Blood Institute, 9209  
National Institute of Biomedical Imaging and Bioengineering, 9205  
National Institute of Diabetes and Digestive and Kidney Diseases, 9206–9207  
National Institute of Mental Health, 9206

**National Oceanic and Atmospheric Administration****RULES**

Endangered and Threatened Species:  
Designation of Critical Habitat for Lower Columbia River Coho Salmon and Puget Sound Steelhead, 9252–9325  
Fisheries of the Exclusive Economic Zone Off Alaska:  
Pollock in Statistical Area 630 in the Gulf of Alaska, 9121

**PROPOSED RULES**

Fisheries of the Northeastern United States:  
Atlantic Sea Scallop Fishery; Framework Adjustment 27, 9151–9159  
Atlantic Surfclam and Ocean Quahog Fishery Management Plan; Amendment 17, 9159–9160

**NOTICES**

Application for Exempted Fishing Permits, 9170–9171

**National Park Service****PROPOSED RULES**

Special Regulations:  
Areas of the National Park Service, Golden Gate National Recreation Area, Dog Management, 9139–9151

**National Science Foundation****NOTICES**

Meetings:  
Proposal Review Panel for Materials Research, 9225–9226

**National Telecommunications and Information Administration****NOTICES**

Meetings:  
Commerce Spectrum Management Advisory Committee, 9171–9172  
Community Broadband Summit, 9172–9173

**Nuclear Regulatory Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Operators' Licenses, 9227–9228  
Packaging and Transportation of Radioactive Material, 9228–9229  
Human Factors Engineering, 9226–9227

**Postal Regulatory Commission****NOTICES**

New Postal Products, 9229–9231

**Presidential Documents****ADMINISTRATIVE ORDERS**

Libya; Continuation of National Emergency (Notice of February 22, 2016), 9327–9329

**Securities and Exchange Commission****NOTICES**

Orders Granting Limited Exemptions:  
WisdomTree Put Write Strategy Fund, 9231–9233  
Self-Regulatory Organizations; Proposed Rule Changes:  
Financial Industry Regulatory Authority, Inc., 9235–9242  
NYSE MKT, LLC, 9233–9235

**State Department****NOTICES**

Culturally Significant Objects Imported for Exhibition:  
Fables Across Time—Kalila and Dimna, 9242  
Gods and Mortals at Olympus: Ancient Dion, City of Zeus, 9242

**Transportation Department**

See Federal Aviation Administration  
See Federal Motor Carrier Safety Administration  
See Federal Railroad Administration

**Treasury Department**

See Alcohol and Tobacco Tax and Trade Bureau

See Financial Crimes Enforcement Network  
See Internal Revenue Service

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9248–9249

---

**Separate Parts In This Issue****Part II**

Commerce Department, National Oceanic and Atmospheric Administration, 9252–9325

**Part III**

Presidential Documents, 9327–9329

---

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Administrative Orders:**

Notice of February 22,  
2016 .....9329

**7 CFR****Proposed Rules:**

800 .....9122

**9 CFR**

300 .....9081  
441 .....9081  
530 .....9081  
531 .....9081  
532 .....9081  
533 .....9081  
534 .....9081  
537 .....9081  
539 .....9081  
540 .....9081  
541 .....9081  
544 .....9081  
548 .....9081  
550 .....9081  
552 .....9081  
555 .....9081  
557 .....9081  
559 .....9081  
560 .....9081  
561 .....9081

**12 CFR**

209 .....9082

**14 CFR**

73 .....9089

**18 CFR**

11 .....9090

**26 CFR****Proposed Rules:**

1 .....9122

**27 CFR**

9 .....9105

**29 CFR****Proposed Rules:**

1614 .....9123

**31 CFR****Proposed Rules:**

1010 .....9139

**33 CFR**

117 .....9109

**36 CFR****Proposed Rules:**

7 .....9139

**40 CFR**

49 .....9109  
52 .....9114  
81 .....9114

**49 CFR**

372 .....9117

**50 CFR**

223 .....9252  
226 .....9252  
679 .....9121

**Proposed Rules:**

648 (2 documents) .....9151,  
9159

# Rules and Regulations

Federal Register

Vol. 81, No. 36

Wednesday, February 24, 2016

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

9 CFR Parts 300, 441, 530, 531, 532, 533, 534, 537, 539, 540, 541, 544, 548, 550, 552, 555, 557, 559, 560, and 561

[Docket No. FSIS-2016-0009]

#### Educational Meetings on the Final Rule on Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish; Educational Meetings for Importers Inspection

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notification of educational meetings.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing a series of educational meetings to discuss the Final Rule, FSIS Docket No. FSIS-2008-0031, "Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish," as it pertains to importers. The meetings are scheduled for March 2016.

**DATES:** The meetings are scheduled as follows:

- The first meeting will be held in Newark, NJ on Tuesday, March 3, 2016; 1:00 p.m.–4:00 p.m. ET, at the Rutgers University—Newark, School of Public Affairs, The Great Hall, 15 Washington Street, Newark, NJ 07102. For directions and parking instructions please visit: <https://www.newark.rutgers.edu/directions-and-parking>.

- The second meeting will be held in Los Angeles, CA on Tuesday, March 17, 2016; 1:00 p.m.–4:00 p.m. PT, at the Hilton Los Angeles Airport, 5711 W. Century Boulevard, Los Angeles, CA 90045.

- The third meeting will be held in Houston, TX on Tuesday, March 24, 2016; 1:00 p.m.–4:00 p.m. CT, at the

Hilton Houston North, 12400 Greenspoint Drive, Houston, TX 77060.

If there is sufficient interest, meetings may also be held in Miami, FL and Norfolk, VA. The objective of the meetings is to provide information to importers on bringing Siluriformes fish and fish products into the United States. Further information on these meetings will be posted on the FSIS Web site at: <http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings> and through the *FSIS Constituent Update*.

#### FOR FURTHER INFORMATION CONTACT:

Evelyn Gomez, Office of Outreach, Employee Education and Training, (202) 418-8903 or email at

[Evelyn.Gomez@fsis.usda.gov](mailto:Evelyn.Gomez@fsis.usda.gov), regarding additional information about this meeting or to arrange for special accommodations. The final rule may be accessed from the FSIS Web site at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/interim-and-final-rules>.

Registration: To pre-register for the meetings, including Miami, FL and Norfolk, VA, please go to <http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings>. The cutoff dates for pre-registration are as follows:

- Newark, NJ: Tuesday, March 1, 2016
- Los Angeles, CA: Tuesday, March 15, 2016
- Houston, TX: Tuesday, March 22, 2016
- Miami, FL and Norfolk, VA: Tuesday, March 22, 2016

Questions regarding the mandatory inspection of fish of the order Siluriformes and products derived from such fish may be directed to [AskFish@fsis.usda.gov](mailto:AskFish@fsis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 2, 2015 (80 FR 75590), FSIS published the final rule to establish a mandatory inspection program for fish of the order Siluriformes and products derived from these fish. The final regulations implement the provisions of the 2008 and 2014 Farm Bills, which amended the Federal Meat Inspection Act, mandating FSIS inspection of Siluriformes fish and fish products.

On March 1, 2016, the final rule on Siluriformes fish and fish products goes into effect. By this date, foreign countries seeking to continue exporting Siluriformes fish and fish products to

the United States during an 18-month transitional period are required to submit documentation showing that they have laws or other legal measures in place that provide authority to regulate the growing and processing of fish for human food and to assure compliance with the United States Department of Health and Human Services' Food and Drug Administration (FDA) regulatory requirements in 21 CFR 123, Fish and Fishery Products. The foreign countries are also required to submit lists of establishments that currently export and will continue to export Siluriformes fish and fish products to the United States.

Foreign countries seeking to continue to export Siluriformes fish and fish products to the United States after the transitional period has expired are required to submit to FSIS, by September 1, 2017, adequate documentation showing the equivalence of their Siluriformes inspection systems with that of the United States. Foreign countries submitting such documentation by the deadline are permitted to continue exporting Siluriformes fish and fish products to the United States while FSIS undertakes an evaluation as to equivalency.

The purpose of the educational meetings for importers is to provide information on the final rule's requirements, with a primary focus on the process for importing Siluriformes fish and fish products into the United States during the 18-month transitional period and on the date of full enforcement. Other topics presented will include the labeling requirements for imported Siluriformes fish and fish products, the FSIS sampling of these imported products, and the enforcement of the requirements.

For more information on the mandatory inspection of Siluriformes fish and fish products, visit the FSIS Web site: <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/siluriformes>.

#### Register

Those planning to attend the meetings are invited to pre-register. To pre-register for any of the meetings, including Miami, FL and Norfolk, VA, please go to [CatfishRegistration@fsis.usda.gov](mailto:CatfishRegistration@fsis.usda.gov). Persons requiring sign language accommodations should contact Ms.



Evelyn Gomez 15 business days prior to the meeting.

### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

Fax: (202) 690-7442.

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC on: February 18, 2016.

**Alfred V. Almanza**,  
Acting Administrator.

[FR Doc. 2016-03727 Filed 2-23-16; 8:45 am]

**BILLING CODE 3410-DM-P**

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 209

[Regulation I; Docket No. R-1533]

RIN 7100-AE 47

### Federal Reserve Bank Capital Stock

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Interim final rule with request for comment.

**SUMMARY:** The Board of Governors (Board) requests public comment on an interim final rule that amends Regulation I to establish procedures for payment of dividends by the Federal Reserve Banks (Reserve Banks) to implement the provisions of section 32203 of the "Fixing America's Surface Transportation Act." The interim final rule sets out the dividend rates applicable to Reserve Bank depository institution stockholders and amends provisions of Regulation I regarding treatment of accrued dividends when a Reserve Bank issues or cancels Federal Reserve Bank capital stock.

**DATES:** This interim final rule is effective on February 24, 2016. Comments on the interim final rule must be received on or before April 29, 2016. Comments on the Paperwork Reduction Act burden estimates must be received on or before April 29, 2016.

**ADDRESSES:** When submitting comments, please consider submitting your comments by email or fax because paper mail in the Washington, DC area and at the Board may be subject to delay. You may submit comments, identified by Docket No. R-1533, RIN 7100-AE 47, by any of the following methods:

- **Agency Web site:** <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

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

- **Email:** [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include docket

number in the subject line of the message.

- **Fax:** (202) 452-3819 or (202) 452-3102.

- **Mail:** Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW. (between 18th and 19th Streets NW.), Washington, DC 20006 between 9 a.m. and 5 p.m. on weekdays.

**FOR FURTHER INFORMATION CONTACT:** Evan Winerman, Counsel (202/872-7578), Legal Division; or Kimberly Zaikov, Financial Project Leader (202/452-2256), Reserve Bank Operations and Payments Systems Division. Users of Telecommunication Device for Deaf (TDD) only, call (202) 263-4869.

### SUPPLEMENTARY INFORMATION:

#### I. Overview

Regulation I governs the issuance and cancellation of capital stock by the Reserve Banks. Under section 5 of the Federal Reserve Act<sup>1</sup> and Regulation I,<sup>2</sup> a member bank must subscribe to capital stock of the Reserve Bank of its district in an amount equal to six percent of the member bank's capital and surplus. The member bank must pay for one-half of this subscription on the date that the Reserve Bank approves its application for capital stock, while the remaining half of the subscription shall be subject to call by the Board.<sup>3</sup>

On December 4, 2015, President Obama signed the "Fixing America's Surface Transportation Act" ("FAST Act").<sup>4</sup> Section 32203 of the FAST Act amended the provisions of section 7(a)(1) of the Federal Reserve Act,<sup>5</sup> which governs dividend payments to Reserve Bank stockholders. Until the FAST Act amendments to section 7(a)(1) became effective on January 1, 2016, all member banks were entitled to a six percent dividend on their paid-in capital stock.<sup>6</sup> Section 7(a)(1) continues

<sup>1</sup> 12 U.S.C. 287.

<sup>2</sup> 12 CFR 209.4(a).

<sup>3</sup> 12 U.S.C. 287 and 12 CFR 209.4(c)(2).

<sup>4</sup> Pub. L. 114-94, 129 Stat. 1312 (2015). See <https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf/>.

<sup>5</sup> 12 U.S.C. 289(a)(1).

<sup>6</sup> Section 7(a)(1)(A) provided the following until January 1, 2016: "In General. After all necessary

to provide for a six percent dividend for stockholders with \$10 billion or less in total consolidated assets, but now provides that stockholders with more than \$10 billion in total consolidated assets shall receive a dividend on paid-in capital stock equal to the *lesser* of six percent and “the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend.” The FAST Act also added Section 7(a)(1)(C) to the Federal Reserve Act, which provides that the Board must adjust the \$10 billion threshold for total consolidated assets annually to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.

Prior to the amendments published today, Regulation I did not address the timing of payment of dividends to Federal Reserve Bank stockholders (other than, as discussed below, the payment of *accrued* dividends when a Reserve Bank issues new stock or cancels existing stock). Before the enactment of the FAST Act, the Reserve Banks’ longstanding practice was to make dividend payments on paid-in capital stock each year on the last business days of June and December at the annualized rate of six percent (that is, a dividend payment of 3 percent twice per year). As discussed further below, the Board is amending Regulation I to implement the new dividend rate structure mandated by the FAST Act. The Reserve Banks will continue their practice of making semi-annual dividend payments, although at a new rate for larger institutions.

In addition, Regulation I contains provisions with respect to the treatment of accrued dividends when a Reserve Bank issues new stock or cancels existing stock. These Regulation I provisions implement portions of sections 5, 6, and 9 of the Federal Reserve Act, which were not amended by the FAST Act.<sup>7</sup> Section 5 provides that (1) when a Reserve Bank issues new shares to a stockholder, the stockholder must pay the Reserve Bank for accrued dividends at a monthly rate of one-half of one percent from the last dividend and, correspondingly, (2) when a stockholder reduces or liquidates its holding of Reserve Bank stock, the Reserve Bank must pay the stockholder for accrued dividends at a monthly rate of one-half of one percent from the last dividend. Similarly, sections 6 and

9(10) of the Federal Reserve Act state that, when a member bank becomes insolvent or voluntarily withdraws from Reserve Bank membership, the Reserve Bank shall pay accrued dividends on the bank’s cancelled stock at a monthly rate of one-half of one percent. Prior to the amendments published today, Regulation I adopted the approach described in sections 5, 6, and 9(10) of the Federal Reserve Act, providing in § 209.4(d) and 209.4(e)(1) that dividends for subscriptions to, and cancellations of, Reserve Bank stock shall accrue at a monthly rate of one-half of one percent. As discussed below, the interim final rule adjusts the accrued dividend rates for larger institutions to be consistent with the rate adopted in the FAST Act.

## II. Description of Interim Final Rule

### A. Dividend Payment Rate

The interim final rule amends Regulation I to include a new paragraph, § 209.4(e), addressing the rate for dividend payments by the Reserve Banks. Section 209.4(e)(1)(i) implements the FAST Act provision requiring that banks with more than \$10 billion in total consolidated assets receive a dividend on their Reserve Bank capital stock at an annual rate of the lesser of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of the dividend. Section 209.4(e)(1)(ii) provides that banks with \$10 billion or less in total consolidated assets will continue to receive a dividend at an annual rate of six percent. Section 209.4(e)(3) provides that dividends are cumulative.<sup>8</sup>

Section 209.4(e)(2) provides that each dividend “will be adjusted to reflect the period from the last dividend payment date to the current dividend payment date according to the dividend proration basis.” Section 209.1(d)(2) in turn defines “dividend proration basis” as “the use of a 360-day year of 12 30-day months for purposes of computing dividend payments.” Thus, under the interim final rule, a semi-annual dividend payment to a stockholder with \$10 billion or less in total consolidated assets would continue to be calculated as three percent of paid-in capital. A semi-annual dividend payment to a stockholder with more than \$10 billion in total consolidated assets would be calculated as the lesser of three percent or one-half of the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of the dividend.

### B. Payment of Accrued Dividends for Subscriptions to Reserve Bank Stock

As discussed above, section 5 of the Federal Reserve Act provides that, when a stockholder subscribes to new capital stock, it must pay for accrued dividends on that new stock at a monthly rate of one-half of one percent from the last dividend (*i.e.*, a monthly rate derived from a six percent annual rate). Prior to the amendments published today, Regulation I adopted the same approach in § 209.4(d). This requirement ensures that the stockholder will not be overcompensated at the next dividend payment, because the stockholder has paid in advance for the portion of the stockholder’s next dividend payment attributable to the period for which the member bank did not own the stock.

Although section 5 of the Federal Reserve Act continues to provide that a stockholder should pay for accrued dividends at a monthly rate of one-half of one percent from the last dividend, section 7 of the Federal Reserve Act now provides that stockholders with more than \$10 billion in total consolidated assets will receive an annual dividend at the lesser of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of the dividend. Applying sections 5 and 7 literally could cause a larger stockholder to overpay for accrued dividends if it paid at a rate based on a six percent annual rate but received its next dividend payment at an annual rate *below* six percent (assuming the high yield of the 10-year Treasury note at the applicable auction was below six percent).

The Board believes that, when a stockholder with more than \$10 billion in total consolidated assets subscribes to additional Reserve Bank capital stock, the best way to reconcile the conflict between sections 5 and 7 of the Federal Reserve Act is to require the stockholder to pay for accrued dividends at an annual rate of the lesser of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the previous dividend payment date (that is, the rate used for the previous dividend payment to stockholders with more than \$10 billion in total consolidated assets), prorated to cover the period between the last dividend payment date and the date of subscription. This approach would allow a larger stockholder to pay for accrued dividends at a rate that is generally close to the dividend rate the stockholder will earn at the next dividend payment. This approach also resolves the statutory conflict in favor of

expenses of a Federal reserve bank have been paid or provided for, the stockholders of the bank shall be entitled to receive an annual dividend of 6 percent on paid-in capital stock.”

<sup>7</sup> 12 U.S.C. 287, 288, and 328.

<sup>8</sup> Section 7(a)(1)(B) of the Federal Reserve Act, 12 U.S.C. 289(a)(1)(B), states that “[t]he entitlement to dividends . . . shall be cumulative.”

giving effect to the most recent Congressional act regarding the payment of dividends as provided in the FAST Act. Accordingly, the interim final rule adopts this approach in § 209.4(c)(1)(ii)(A). Conversely, § 209.4(c)(1)(ii)(B) provides that stockholders with \$10 billion or less in total consolidated assets will continue to pay for accrued dividends at an annual rate of six percent (prorated to cover the period between the last dividend payment date and the date of subscription), as those stockholders will continue to receive a six percent annual dividend.

The interim final rule provides at § 209.4(c)(3) for an adjustment at the next annual dividend if a stockholder pays for accrued dividends at a rate that is different from the annualized rate that the stockholder ultimately receives at the next scheduled dividend payment date. This adjustment would equal the difference between the accrued dividends the stockholder paid for the additional subscription and the portion of the next dividend payment attributable to that additional subscription, prorated to cover the period from the last dividend payment date to the subscription date.<sup>9</sup>

#### C. Payment of Accrued Dividends for Cancellations of Reserve Bank Stock

As discussed above, three provisions of the Federal Reserve Act (sections 5, 6, and 9(10)) state that, when a Reserve Bank cancels stock, the Reserve Bank shall pay the stockholder for accrued dividends at a monthly rate of one-half of one percent from the last dividend (*i.e.*, a monthly rate derived from a six percent annual rate). Prior to the amendments published today, Regulation I adopted the same approach in § 209.4(e)(1). These provisions of the Federal Reserve Act and Regulation I now conflict with section 7 of the

<sup>9</sup> For example, if a stockholder pays for three months of accrued dividends on \$1,000 of stock at a prorated 0.2% monthly rate (derived from a 2.4% annual rate at the last auction held prior to the previous dividend), and the stockholder ultimately receives its next dividend at a prorated 0.3% monthly rate (derived from a 3.6% annual rate at the last auction held prior to the next dividend), the Reserve Bank would reduce the stockholder's next dividend payment by the difference between (a) the accrued dividends that the stockholder paid on the date of subscription (*i.e.*, \$1,000 \* (3 months/12 months) \* 0.2%, or \$6) and (b) the dividend payment attributable to the stock subscription based on the rate from last auction held prior to the next dividend payment date (*i.e.*, \$1,000 \* (3 months/12 months) \* 0.3%, or \$9). The Reserve Bank would therefore reduce the stockholder's next dividend payment by \$3. Conversely, if the same stockholder paid for accrued dividends at a 0.3% monthly rate but then received its next dividend at a 0.2% monthly rate, the Reserve Bank would increase the stockholder's next dividend payment by \$3.

Federal Reserve Act, which provides (following passage of the FAST Act) that stockholders with more than \$10 billion in total consolidated assets will receive an annual dividend at the lesser of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of the dividend.

The Board believes that, when a Reserve Bank cancels stock held by a stockholder with more than \$10 billion in total consolidated assets, the best way to reconcile sections 5, 6, and 9(10) of the Federal Reserve Act with section 7 of the Federal Reserve Act is to require the Reserve Bank to pay the stockholder for accrued dividends at an annual rate of the lesser of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the date of cancellation, prorated to cover the period between the last dividend payment date and the date of cancellation. As noted above, this approach also resolves the statutory conflict between sections 5, 6, and 9(10), on the one hand, and section 7 on the other, in favor of the most recent Congressional act regarding dividends expressed in the FAST Act.

Accordingly, the interim final rule adopts this approach in § 209.4(d)(1)(ii)(A). Conversely, § 209.4(d)(1)(ii)(B) provides that, when a Reserve Bank cancels stock of a stockholder with \$10 billion or less in total consolidated assets, the Reserve Bank will pay the stockholder for accrued dividends at an annual rate of six percent (prorated to cover the period between the last dividend payment date and the date of cancellation), as those stockholders will continue to receive a six percent annual dividend.

#### D. Total Consolidated Assets: Definition and Inflation Adjustment

The dividend rate to which a stockholder is entitled under Section 7 of the Federal Reserve Act (as amended by the FAST Act) depends on the stockholder's "total consolidated assets." The interim final rule amends Regulation I to include a new paragraph, § 209.1(d)(3), that generally defines total consolidated assets by reference to total assets reported on the stockholder's most recent December 31 Consolidated Report of Condition and Income (Call Report).<sup>10</sup> The only exceptions to this approach are that, when a bank joins the Federal Reserve System or when a member bank merges with another entity and the surviving bank continues

<sup>10</sup> The Board has also moved, without revision, the definition of "capital stock and surplus" to the definitions in new § 209.1(d).

to be a Reserve Bank stockholder, the new member bank or the surviving bank must report whether its total consolidated assets exceed \$10 billion in its application for capital stock. To that end, the interim final rule amends § 209.2(a) to require that a bank seeking to join the Federal Reserve System report whether its total consolidated assets exceed \$10 billion in its application for capital stock. Similarly, the interim final rule adds a new paragraph, § 209.3(d)(3), that requires a surviving bank to report whether its total consolidated assets exceed \$10 billion when it submits its next application for additional capital stock.

Section 7(a)(1)(C) of the Federal Reserve Act (added by the FAST Act) requires that the Board make an annual inflation adjustment to the total consolidated asset threshold that determines the dividend rate to which a Reserve Bank is entitled. The interim final rule implements this provision at § 209.4(f). The Board expects to make this adjustment using the final second quarter estimate of the Gross Domestic Product Price Index for each year, published by the Bureau of Economic Analysis.

#### III. Effective Date; Solicitation of Comments

This interim final rule is effective immediately. Pursuant to the Administrative Procedure Act (APA), at 5 U.S.C. 553(b)(B), notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."<sup>11</sup> Similarly, a final rule may be published with an immediate effective date if an agency finds good cause and publishes such with the final rule.<sup>12</sup>

Consistent with section 553(b)(B) of the APA, the Board finds that there is good cause to issue this rule as an interim final rule because the rule is necessary to provide immediate guidance to the Reserve Banks regarding the issuance and cancellation of stock, which are governed by the provisions of the FAST Act that became effective on January 1, 2016. The Board finds that obtaining notice and comment prior to issuing the interim final rule would be impracticable and contrary to the public interest. The Board finds for the same reasons that there is good cause to publish the interim final rule with an immediate effective date.

Although notice and comment are not required prior to the effective date of

<sup>11</sup> 5 U.S.C. 553(b)(B).

<sup>12</sup> 5 U.S.C. 553(d)(3).

this interim final rule, the Board believes that public comment on how it implements the FAST Act could help improve that implementation. Consequently, the Board invites comment on all aspects of this rulemaking and will review those comments before adopting a final rule.

#### IV. Regulatory Analysis

##### A. Regulatory Flexibility Act Analysis

In accordance with section 4 of the Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601 *et seq.*, the Board is publishing an initial regulatory flexibility analysis for the interim final rule. The RFA generally requires an agency to assess the impact a rule is expected to have on small entities. Under size standards established by the Small Business Administration, banks and other depository institutions are considered “small” if they have less than \$550 million in assets.<sup>13</sup> The RFA requires an agency either to provide a regulatory flexibility analysis or to certify that the interim final rule will not have a significant economic impact on a substantial number of small entities.

The interim final rule implements amended provisions of the Federal Reserve Act providing that Reserve Bank stockholders with more than \$10 billion in total consolidated assets will receive a dividend at an annual rate equal to the lower of six percent and the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend (with such dividend prorated to cover the period between the last dividend payment date and the current dividend payment date). The interim final rule also provides that, if a Reserve Bank cancels stock of a stockholder with more than \$10 billion in total consolidated assets, the Reserve Bank will pay the stockholder accrued dividends at an annual rate of the lesser of six percent and the high yield of the most recent 10-year Treasury note auction held prior to the date of cancellation, prorated to cover the period between the last dividend payment date and the cancellation date. Finally, the interim final rule provides that, if a Reserve Bank issues new stock to a stockholder with more than \$10 billion in total consolidated assets, the stockholder will pay accrued dividends on such stock at an annual rate of the lesser of six percent and the high yield of the most recent 10-year Treasury note auction held prior to the previous dividend payment date (prorated to cover the

period between the last dividend payment date and the subscription date). The next regular dividend payment to that stockholder would be adjusted to account for the difference between the rate at which the stockholder paid for accrued dividends and the rate at which the stockholder receives the regular dividend payment.

Under the interim final rule, Reserve Bank stockholders with \$10 billion or less in total consolidated assets will continue to receive a dividend on their Reserve Bank stock at an annual rate of six percent (prorated to cover the period between the last dividend payment and the current dividend payment). If a Reserve Bank issues new stock to, or cancels existing stock of, a stockholder with \$10 billion or less in total consolidated assets, the stockholder or the Reserve Bank would (respectively) continue to pay accrued dividends on such stock at an annual rate of six percent (prorated to cover the period between the last dividend payment date and the subscription date or the cancellation date). Additionally, the interim final rule continues to allow Reserve Banks to pay dividends semiannually to all stockholders, including banks with \$10 billion or less in total consolidated assets.

The only new requirement that the interim final rule imposes on stockholders with \$10 billion or less in total consolidated assets is that such a stockholder must report whether its total consolidated assets exceed \$10 billion when the stockholder applies for (1) new capital stock upon joining the Federal Reserve System or (2) additional capital stock upon merging with another entity. Excluding these two situations, a Reserve Bank will determine the total consolidated assets of all stockholders by reference to the stockholder’s most recent December 31 Call Report. The interim final rule requires the Board to make an annual inflation adjustment to the \$10 billion total consolidated asset threshold.

As noted above, a depository institution is “small” for purposes of the RFA if it has less than \$550 million of assets. The only effect of the interim final rule on stockholders with less than \$550 million of assets is to require such stockholders to report whether their total consolidated assets exceed \$10 billion when they join the Federal Reserve System or merge with another entity. These reporting requirements will have a minimal economic impact on stockholders that are small entities. The Board expects that existing banks and banks that are in the process of organization can readily calculate their total consolidated assets. The Board

currently requires that a bank file an application form with the Reserve Bank in whose district it is located if the bank wishes to join the Federal Reserve System or if the bank must increase or decrease its holding of Reserve Bank stock.<sup>14</sup> The Board will revise these forms to require that, when a bank applies for membership or applies for new stock after merging with another entity, the bank report whether its total consolidated assets exceed \$10 billion.

The RFA requires a description of any significant alternatives that accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the rule on small entities. In this circumstance, there is no feasible alternative to requiring that a bank in the process of organization report whether its total consolidated assets exceed \$10 billion when it applies to join the System, because such banks will not have filed a Call Report before applying for membership. With respect to measuring the total consolidated assets of a surviving bank after a merger, the Reserve Banks could alternatively (1) refer to the total assets reported by the surviving bank on its most recent December 31 Call Report or (2) add the total assets of the surviving bank and the nonsurviving bank as reported on each bank’s most recent December 31 Call Report. These alternative approaches to measuring total consolidated assets in the merger context would reduce the reporting burden on small entities, but they would not provide timely and accurate notice to a Reserve Bank of whether a merger has caused a surviving bank’s total consolidated assets to exceed \$10 billion. The Board believes that requiring surviving banks to report whether total consolidated assets exceed \$10 billion when they apply for additional capital stock is a minimal reporting burden of an amount that is known by the banks and serves the intent of the FAST Act.

The Board does not believe that the interim final rule duplicates, overlaps, or conflicts with any other Federal rules. In light of the foregoing, the Board does not believe that the interim final rule would have a significant economic impact on a substantial number of small entities. Nonetheless, the Board seeks

<sup>14</sup> See FR 2030 (application for capital stock for organizing national banks); FR 2030A (application for capital stock for nonmember state banks that are converting to national banks); FR 2083A (application for capital stock by state banks (except mutual savings banks) and national banks that are converting to state banks); FR 2083B (application for capital stock by mutual savings banks); FR 2056 (application for adjustment in holding of Reserve Bank stock).

<sup>13</sup> 13 CFR 121.201.

comment on whether the interim final rule imposes undue burdens on, or has unintended consequences for, small organizations, and whether there are ways such potential burdens or consequences could be minimized in a manner consistent with the Federal Reserve Act.

#### B. Paperwork Reduction Act Analysis

In accordance with section 3512 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control numbers are 7100–0042 and 7100–0046. The Board reviewed the interim final rule under the authority delegated to the Board by OMB. The interim final rule contains requirements subject to the PRA. The reporting requirements are found in §§ 209.2(a) and 209.3(d)(3).

Comments are invited on:

- a. Whether the collections of information are necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility;
- b. The accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used;
- c. Ways to enhance the quality, utility, and clarity of the information to be collected;
- d. Ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and
- e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. A copy of the comments may also be submitted to the OMB desk officer by mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to 202–395–5806, Attention, Agency Desk Officer.

#### Proposed Revisions, With Extension for Three Years, of the Following Information Collections:

(1) *Title of Information Collection:* Applications for Subscription to, Adjustment in Holding of, and

Cancellation of Federal Reserve Bank Stock.

*Agency Form Number:* FR 2030, FR 2030a, FR 2056, FR 2086, FR 2086a, FR 2087.

*OMB Control Number:* 7100–0042.

*Frequency of Response:* On occasion.

*Affected Public:* Businesses or other for-profit.

*Respondents:* National, State Member, and Nonmember banks.

*Abstract:* These application forms are required by the Federal Reserve Act and Regulation I. These forms must be used by a new or existing member bank (including a national bank) to request the issuance, and adjustment in, or cancellation of Federal Reserve Bank stock. The forms must contain certain certifications by the applicants, as well as certain other financial and shareholder data that is needed by the Federal Reserve to process the request.

*Current Actions:* The dividend rate to which a Reserve Bank stockholder is entitled under Section 7 of the Federal Reserve Act (as amended by the FAST Act) depends on the stockholder's "total consolidated assets." Section 209.2(a) requires a bank to report whether its total consolidated assets exceed \$10 billion when it applies for membership in the Federal Reserve System. Section 209.3(d)(3) requires a bank to report whether its total consolidated assets exceed \$10 billion when it applies for additional capital stock after merging with another entity. The Board is proposing to revise FR 2030, FR 2030a, and FR 2056 to require that a bank report whether its total consolidated assets exceed \$10 billion when it applies to join the Federal Reserve System or applies for additional capital stock after merging with another entity. The proposed revisions would increase the estimated average hours per response for FR 2030 and FR 2030a by half an hour. The proposed revisions would increase the estimated average hours per response for FR 2056 by one-quarter of an hour. The Board is not proposing to revise FR 2086, FR 2086A, and FR 2087. The draft reporting forms are available on the Board's public Web site at <http://www.federalreserve.gov/apps/reportforms/review.aspx>.

*Estimated annual reporting hours:* FR 2030: 4 hours; FR 2030a: 2 hours; FR 2056: 1000 hours; FR 2086: 5 hours; FR 2086a: 40 hours; FR 2087: 1 hour.

*Estimated average hours per response:* FR 2030: 1 hour; FR 2030a: 1 hour; FR 2056: 0.75 hours; FR 2086: 0.5 hours; FR 2086a: 0.5 hours; FR 2087: 0.5 hours.

*Number of respondents:* FR 2030: 4; FR 2030a: 2; FR 2056: 1,333; FR 2086: 10; FR 2086a: 79; FR 2087: 1.

(2) *Title of Information Collection:* Application for Membership in the Federal Reserve System.

*Agency Form Number:* FR 2083, FR 2083A, FR 2083B, and FR 2083C.

*OMB Control Number:* 7100–0046.

*Frequency of Response:* On occasion.

*Affected Public:* Businesses or other for-profit.

*Respondents:* Newly organized banks that seek to become state member banks, or existing banks or savings institutions that seek to convert to state member bank status.

*Abstract:* The application for membership is a required one-time submission that collects the information necessary for the Federal Reserve to evaluate the statutory criteria for admission of a new or existing state bank into membership in the Federal Reserve System. The application collects managerial, financial, and structural data.

*Current Actions:* The dividend rate to which a Reserve Bank stockholder is entitled under Section 7 of the Federal Reserve Act (as amended by the FAST Act) depends on the stockholder's "total consolidated assets." Section 209.2(a) requires a bank to report whether its total consolidated assets exceed \$10 billion when it applies for membership in the Federal Reserve System. The Board is proposing to revise FR 2083A and FR 2083B to require that a bank report whether its total consolidated assets exceed \$10 billion when it applies to join the Federal Reserve System. The proposed revisions would increase the estimated average hours per response by half an hour. The Board is not proposing to revise FR 2083 or FR 2083C. The draft reporting forms are available on the Board's public Web site at <http://www.federalreserve.gov/apps/reportforms/review.aspx>. The estimated annual reporting hours listed below, and the estimated average hours per response, are cumulative totals for FR 2083, FR 2083A, FR 2083B, and FR 2083C.

*Estimated annual reporting hours:* 207 hours.

*Estimated average hours per response:* 4.5 hours.

*Number of respondents:* 46.

#### C. Riegle Community Development and Regulatory Improvement Act

Section 302 of Riegle Community Development and Regulatory Improvement Act (12 U.S.C. 4802) generally requires that regulations prescribed by Federal banking agencies which impose additional reporting, disclosures or other new requirements on insured depository institutions take effect on the first day of a calendar

quarter which begins on or after the date on which the regulation is published in final form unless the agency determines, for good cause published with the regulation, that the regulation should become effective before such time. The final rule will be effective on February 24, 2016. The first day of a calendar quarter which begins on or after the date on which the final rule will be published is April 1, 2016. As discussed below, the Board has determined for good cause that the regulation should take effect on February 24, 2016.

The FAST Act amendments to Section 7(a)(1) of the Federal Reserve Act, which will affect the dividend rate that the Reserve Banks pay to stockholders with more than \$10 billion in total consolidated assets, became effective on January 1, 2016. Before April 1, 2016 (the first day of the next calendar quarter), the Reserve Banks may need to issue new stock to (1) a bank that is applying for membership in the Federal Reserve System or (2) a bank that is increasing its holding of Reserve Bank stock following a merger. A Reserve Bank must have a reliable report of such a bank's total consolidated assets before it can issue stock. The Board therefore finds, for good cause, that this interim final rule shall be effective on [insert date of publication].

#### D. Plain Language

Section 722 of the Gramm-Leach Bliley Act requires the Board to use plain language in all proposed and final rules published after January 1, 2000. The Board invites your comments on how to make this interim final rule easier to understand. For example:

- Has the Board organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the interim final rule clearly stated? If not, how could the interim final rule be more clearly stated?
- Does the interim final rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the interim final rule easier to understand? If so, what changes to the format would make the interim final rule easier to understand?
- What else could the Board do to make the regulation easier to understand?

#### List of Subjects in 12 CFR Part 209

Banks and banking, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

#### Authority and Issuance

For the reasons set forth in the preamble, the Board will amend Regulation I, 12 CFR part 209, as follows:

#### PART 209—FEDERAL RESERVE BANK CAPITAL STOCK (REGULATION I)

- 1. The authority citation for part 209 is revised to read as follows:

**Authority:** 12 U.S.C. 222, 248, 282, 286–288, 289, 321, 323, 327–328, and 466.

- 2. Amend § 209.1 by revising the section heading and paragraphs (a) and (b) and adding paragraph (d) to read as follows:

##### § 209.1 Authority, purpose, scope, and definitions.

(a) *Authority.* This part is issued pursuant to 12 U.S.C. 222, 248, 282, 286–288, 289, 321, 323, 327–328, and 466.

(b) *Purpose.* The purpose of this part is to implement the provisions of the Federal Reserve Act relating to the issuance and cancellation of Federal Reserve Bank stock upon becoming or ceasing to be a member bank, or upon changes in the capital and surplus of a member bank, of the Federal Reserve System. This part also implements the provisions of the Federal Reserve Act relating to the payment of dividends to member banks.

\* \* \* \* \*

(d) *Definitions.* For purposes of this part—

(1) *Capital Stock and Surplus.* Capital stock and surplus of a member bank means the paid-in capital stock<sup>2</sup> and paid-in surplus of the bank, less any deficit in the aggregate of its retained earnings, gains (losses) on available for sale securities, and foreign currency translation accounts, all as shown on the bank's most recent report of condition. Paid-in capital stock and paid-in surplus of a bank in organization means the amount which is to be paid in at the time the bank commences business.

(2) *Dividend proration basis* means the use of a 360-day year of 12 30-day months for purposes of computing dividend payments.

(3) *Total consolidated assets* means the total assets on the stockholder's balance sheet as reported by the stockholder on its Consolidated Report of Condition and Income (Call Report) as of the most recent December 31, except in the case of a new member or

<sup>2</sup> Capital stock includes common stock and preferred stock (including sinking fund preferred stock).

the surviving stockholder after a merger “total consolidated assets” means (until the next December 31 Call Report becomes available) the total consolidated assets of the new member or the surviving stockholder at the time of its application for capital stock.

- 3. In § 209.2, revise paragraph (a) to read as follows:

##### § 209.2 Banks desiring to become member banks.

(a) *Application for stock or deposit.* Each national bank in process of organization,<sup>3</sup> each nonmember state bank converting into a national bank, and each nonmember state bank applying for membership in the Federal Reserve System under Regulation H, 12 CFR part 208, shall file with the Federal Reserve Bank (Reserve Bank) in whose district it is located an application for stock (or deposit in the case of mutual savings banks not authorized to purchase Reserve Bank stock<sup>4</sup>) in the Reserve Bank. This application for stock must state whether the applicant's total consolidated assets exceed \$10,000,000,000. The bank shall pay for the stock (or deposit) in accordance with § 209.4 of this part.

\* \* \* \* \*

- 4. Amend § 209.3 as follows:

- a. Revise the section heading.
- b. Revise the paragraph (d) subject heading and paragraphs (d)(1) and (d)(2)(i).

- c. Add paragraph (d)(3).

The revisions and addition read as follows:

##### § 209.3 Cancellation of Reserve Bank stock; reporting of total consolidated assets following merger.

\* \* \* \* \*

(d) *Exchange of stock on merger or change in location; reporting of total consolidated assets following merger—*  
(1) *Merger of member banks in the same Federal Reserve District.* Upon a merger or consolidation of member banks located in the same Federal Reserve

<sup>3</sup> A new national bank organized by the Federal Deposit Insurance Corporation under section 11(n) of the Federal Deposit Insurance Act (12 U.S.C. 1821(n)) should not apply until in the process of issuing stock pursuant to section 11(n)(15) of that act. Reserve Bank approval of such an application shall not be effective until the issuance of a certificate by the Comptroller of the Currency pursuant to section 11(n)(16) of that act.

<sup>4</sup> A mutual savings bank not authorized to purchase Federal Reserve Bank stock may apply for membership evidenced initially by a deposit. (See § 208.3(a) of Regulation H, 12 CFR part 208.) The membership of the savings bank shall be terminated if the laws under which it is organized are not amended to authorize such purchase at the first session of the legislature after its admission, or if it fails to purchase such stock within six months after such an amendment.

District, the Reserve Bank shall cancel the shares of the nonsurviving bank (or in the case of a mutual savings bank not authorized to purchase Reserve Bank stock, shall credit the deposit to the account of the surviving bank) and shall credit the appropriate number of shares on its books to (or in the case of a mutual savings bank not authorized to purchase Reserve Bank stock, shall accept an appropriate increase in the deposit of) the surviving bank, subject to paragraph (d)(3) of § 209.4.

(2) \* \* \*

(i) The Reserve Bank of the member bank's former District, or of the nonsurviving member bank, shall cancel the bank's shares and transfer the amount paid in for those shares, plus accrued dividends (as specified in paragraph (d)(1)(ii) of § 209.4) and subject to paragraph (d)(3) of § 209.4 (or, in the case of a mutual savings bank member not authorized to purchase Federal Reserve Bank stock, the amount of its deposit, adjusted in a like manner), to the Reserve Bank of the bank's new District or of the surviving bank; and

\* \* \* \* \*

(3) *Statement of total consolidated assets.* When a member bank merges with another entity and the surviving bank remains a Reserve Bank stockholder, the surviving stockholder must state whether its total consolidated assets exceed \$10,000,000,000 in its next application for additional capital stock.

\* \* \* \* \*

■ 5. Amend § 209.4 as follows:

- a. Revise the section heading.
- b. Remove paragraph (b).
- c. Redesignate paragraphs (c) through (e) as paragraphs (b) through (d).
- d. Revise newly redesignated paragraphs (c) and (d).
- e. Add paragraphs (e) and (f).

**§ 209.4 Amounts and payments for subscriptions and cancellations; timing and rate of dividends.**

\* \* \* \* \*

(c) *Payment for subscriptions.* (1) Upon approval by the Reserve Bank of an application for capital stock (or for a deposit in lieu thereof), the applying bank shall pay the Reserve Bank—

- (i) One-half of the subscription amount; and
- (ii) Accrued dividends equal to the paid-in subscription amount in paragraph (c)(1)(i) of this section multiplied by—

(A) In the case of a bank with total consolidated assets of more than \$10,000,000,000, an annual rate equal to the lesser of the high yield of the 10-

year Treasury note auctioned at the last auction held prior to the date of the last dividend payment and 6 percent, adjusted to reflect the period from the last dividend payment date to the subscription date according to the dividend proration basis.

(B) In the case of a bank with total consolidated assets of \$10,000,000,000 or less, 6 percent, adjusted to reflect the period from the last dividend payment date to the subscription date according to the dividend proration basis.

(2) Upon payment (and in the case of a national banks in organization or state nonmember bank converting into a national bank, upon authorization or approval by the Comptroller of the Currency), the Reserve Bank shall issue the appropriate number of shares by crediting the bank with the appropriate number of shares on its books. In the case of a mutual savings bank not authorized to purchase Reserve Bank stock, the Reserve Bank will accept the deposit or addition to the deposit in place of issuing shares. The remaining half of the subscription or additional subscription (including subscriptions for deposits or additions to deposits) shall be subject to call by the Board.

(3) If the dividend rate applied at the next scheduled dividend payment date is based on a different annual rate than the rate used to compute the amount of the accrued dividend payment pursuant to paragraph (c)(1)(ii) of this section, the amount of the dividends paid at the next scheduled dividend payment date should be adjusted accordingly. The amount of the adjustment should equal the difference between—

- (i) The accrued dividend payment pursuant paragraph (c)(1)(ii) of this section, and
- (ii) The result of multiplying the subscription amount paid pursuant to paragraph (c)(1)(i) of this section by the dividend rate applied at the next scheduled dividend payment, adjusted to reflect the period from the last dividend payment date to the subscription date according to the dividend proration basis.

(d) *Payment for cancellations.* (1) Upon approval of an application for cancellation of Reserve Bank capital stock, or (in the case of involuntary termination of membership) upon the effective date of cancellation specified in § 209.3(c)(3), the Reserve Bank shall—

- (i) Reduce the bank's shareholding on the Reserve Bank's books by the number of shares required to be canceled and shall pay the paid-in subscription of the canceled stock; and
- (ii) Pay accrued dividends equal to the paid-in subscription of the canceled

stock in paragraph (d)(1)(i) of this section multiplied by—

(A) In the case of a bank with total consolidated assets of more than \$10,000,000,000, an annual rate equal to the lesser of the high yield of the 10-year Treasury note auctioned at the last auction held prior to the date of cancellation and 6 percent, adjusted to reflect the period from the last dividend payment date to the cancellation date according to the dividend proration basis; or

(B) In the case of a bank with total consolidated assets of \$10,000,000,000 or less, 6 percent, adjusted to reflect the period from the last dividend payment date to the cancellation date according to the dividend proration basis.

(2) The sum of the payments under paragraph (d)(1) of this section cannot exceed the book value of the stock.<sup>5</sup>

(3) In the case of any cancellation of Reserve Bank stock under this Part, the Reserve Bank may first apply such sum to any liability of the bank to the Reserve Bank and pay over the remainder to the bank (or receiver or conservator, as appropriate).

(e) *Dividend.* (1) After all necessary expenses of a Reserve Bank have been paid or provided for, the stockholders of a Reserve Bank shall be entitled to receive a dividend on paid-in capital stock of—

(i) in the case of a bank with total consolidated assets of more than \$10,000,000,000, the lesser of the annual rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend and an annual rate of 6 percent, or

(ii) in the case of a bank with total consolidated assets of \$10,000,000,000 or less, an annual rate of 6 percent.

(2) The dividend pursuant to paragraph (e)(1) of this section will be adjusted to reflect the period from the last dividend payment date to the current dividend payment date according to the dividend proration basis.

(3) The entitlement to dividends under paragraph (e)(1) of this section shall be cumulative.

(f) *Annual adjustment to total consolidated assets.* The dollar amounts for total consolidated assets specified in paragraphs (c), (d), and (e) of this section and §§ 209.2 and 209.3 shall be adjusted annually to reflect the change

<sup>5</sup> Under sections 6 and 9(10) of the Act, a Reserve Bank is under no obligation to pay unearned accrued dividends on redemption of its capital stock from an insolvent member bank for which a receiver has been appointed or from state member banks on voluntary withdrawal from or involuntary termination of membership.

in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.

By order of the Board of Governors of the Federal Reserve System, February 18, 2016.

**Robert deV. Frierson,**  
Secretary to the Board.

[FR Doc. 2016-03747 Filed 2-23-16; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA-2016-0151; Airspace Docket No. 15-ASO-10]

RIN 2120-AA66

#### Change of Controlling Agency for Selected Restricted Areas; North Carolina

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 to update the controlling agency for restricted areas R-5302A, B and C, Albemarle Sound, NC; restricted areas R-5313A, B, C and D, Long Shoal Point, NC; and restricted areas R-5314A, B, C, D, E, F, H and J, Dare County, NC. Washington Air Route Traffic Control Center (ARTCC) has delegated controlling agency authority for the above restricted areas to the Marine Corps Air Station (MCAS) Cherry Point, Radar Air Traffic Control Facility (RATCF). There are no changes to the boundaries; designated altitudes; time of designation or activities conducted within the restricted areas.

**DATES:** *Effective date:* 0901 UTC, March 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, 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 updates the controlling agency for restricted areas R-5302A, B and C; R-5313A, B, C and D; and R-5314A, B, C, D, E, F, H and J, in North Carolina to promote the efficient use of airspace.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the controlling agency for restricted areas R-5302A, B and C; R-5313A, B, C and D; and R-5314A, B, C, D, E, F, H and J, in North Carolina, from "FAA, Washington ARTCC" to "MCAS Cherry Point Approach Control." The change will promote real-time activation and de-activation of the restricted areas and enhance air traffic efficiency in the surrounding area. This change does not affect the boundaries, times of designation, designated altitudes or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

##### Regulatory Notices and Analyses

The FAA has determined that this action 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 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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5d. This action is an administrative modification of the technical descriptions of the affected restricted areas to update the name of the controlling agency. It does not alter the dimensions, altitudes, or times of

designation of the restricted areas; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

##### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

##### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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.

##### § 73.53 [Amended]

■ 2. Section 73.53 is amended as follows:

\* \* \* \* \*

##### R-5302A Albemarle Sound, NC [Amended]

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

##### R-5302B Albemarle Sound, NC [Amended]

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

##### R-5302C Albemarle Sound, NC [Amended]

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

\* \* \* \* \*

##### R-5313A Long Shoal Point, NC [Amended]

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

##### R-5313B Long Shoal Point, NC [Amended]

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.



**R-5313C Long Shoal Point, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5313D Long Shoal Point, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314A Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314B Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314C Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314D Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314E Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314F Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314H Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:  
Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

**R-5314J Dare County, NC [Amended]**

By removing the current controlling agency and adding in its place:

Controlling agency. USMC, Marine Corps Air Station Cherry Point Approach Control.

\* \* \* \* \*

Issued in Washington, DC, on February 17, 2016.

**Leslie M. Swann,**

*Acting Manager, Airspace Policy Group.*

[FR Doc. 2016-03845 Filed 2-23-16; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Part 11**

[Docket No. RM11-6-000]

**Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule.

**SUMMARY:** In accordance with of the Commission's regulations, the Commission, by its designee, the Executive Director, issues this annual update to the fee schedule in Appendix A to Part 11, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

**DATES:** This rule is effective February 24, 2016. Updates to Appendix A to Part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) are applicable from October 1, 2015, through September 30, 2015 (Fiscal Year 2016).

**FOR FURTHER INFORMATION CONTACT:** Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-6219, *Norman.Richardson@ferc.gov*.

**SUPPLEMENTARY INFORMATION:**

**Annual Update to Fee Schedule**

*Issued February 18, 2016*

Section 11.2 of the Commission's regulations provides a method for computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.<sup>1</sup> Annual charges for the use of government lands are payable in

advance, and are based on an annual schedule of per-acre rental fees published in Appendix A to Part 11 of the Commission's regulations.<sup>2</sup> This notice updates the fee schedule in Appendix A to Part 11 for fiscal year 2016 (October 1, 2015, through September 30, 2016).

**Effective Date**

This Final Rule is effective February 24, 2016. The provisions of 5 U.S.C. 804, regarding Congressional review of final rules, do not apply to this Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This Final Rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in section 11.2 of the Commission's regulations.

**List of Subjects in 18 CFR Part 11**

Public lands.

By the Executive Director.

**Anton C. Porter,**

*Executive Director, Office of the Executive Director.*

In consideration of the foregoing, the Commission amends Part 11, Chapter I, Title 18, *Code of Federal Regulations*, as follows.

**PART 11—[AMENDED]**

■ 1. The authority citation for Part 11 continues to read as follows:

**Authority:** 16 U.S.C. 792-828c; 42 U.S.C. 7101-7352.

■ 2. Appendix A to Part 11 is revised to read as follows:

**APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2016**

State	County	Fee/acre/yr
Alabama .....	Autauga .....	\$60.42
	Baldwin .....	105.25
	Barbour .....	59.80
	Bibb .....	55.47
	Blount .....	96.06
	Bullock .....	57.58
	Butler .....	64.23
	Calhoun .....	80.55
	Chambers .....	68.82
	Cherokee .....	90.41
	Chilton .....	77.55
	Choctaw .....	49.52
	Clarke .....	54.08
Clay .....	65.42	
Cleburne .....	72.59	
Coffee .....	69.71	
Colbert .....	74.57	

<sup>1</sup> Annual Charges for the Use of Government Lands, Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶ 31,341 (2013).

<sup>2</sup> 18 CFR part 11 (2016).

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	Conecuh .....	52.66		Pinal .....	37.64		Sebastian .....	56.04
	Coosa .....	54.81		Santa Cruz .....	24.17		Sevier .....	49.14
	Covington .....	59.63		Yavapai .....	24.94		Sharp .....	38.25
	Crenshaw .....	53.65		Yuma .....	114.25		Stone .....	41.07
	Cullman .....	110.44	Arkansas .....	Arkansas .....	55.82		Union .....	53.33
	Dale .....	66.37		Ashley .....	61.14		Van Buren .....	52.22
	Dallas .....	48.52		Baxter .....	56.14		Washington .....	86.53
	DeKalb .....	100.22		Benton .....	93.34		White .....	54.11
	Elmore .....	83.96		Boone .....	54.14		Woodruff .....	52.51
	Escambia .....	60.06		Bradley .....	73.50		Yell .....	47.80
	Etowah .....	94.11		Calhoun .....	51.75	California .....	Alameda .....	43.81
	Fayette .....	56.16		Carroll .....	53.51		Alpine .....	34.05
	Franklin .....	55.63		Chicot .....	56.09		Amador .....	31.23
	Geneva .....	57.15		Clark .....	38.88		Butte .....	60.33
	Greene .....	53.68		Clay .....	67.29		Calaveras .....	25.90
	Hale .....	55.30		Cleburne .....	57.61		Colusa .....	43.12
	Henry .....	59.10		Cleveland .....	81.97		Contra Costa .....	66.89
	Houston .....	68.85		Columbia .....	45.41		Del Norte .....	69.20
	Jackson .....	69.08		Columbia .....	45.41		Del Norte .....	69.20
	Jefferson .....	119.20		Conway .....	54.46		El Dorado .....	65.32
	Lamar .....	39.07		Craighead .....	67.51		Fresno .....	65.79
	Lauderdale .....	78.54		Crawford .....	63.16		Glenn .....	36.46
	Lawrence .....	80.89		Crittenden .....	58.46		Humboldt .....	20.51
	Lee .....	99.83		Cross .....	53.51		Imperial .....	55.60
	Limestone .....	107.56		Dallas .....	33.67		Inyo .....	6.18
	Lowndes .....	45.65		Desha .....	58.69		Kern .....	35.21
	Macon .....	64.99		Drew .....	53.04		Kings .....	47.89
	Madison .....	98.24		Faulkner .....	69.00		Lake .....	48.34
	Marengo .....	47.14		Franklin .....	47.93		Lassen .....	15.30
	Marion .....	58.74		Fulton .....	33.70		Los Angeles .....	98.92
	Marshall .....	100.26		Garland .....	77.61		Madera .....	60.45
	Mobile .....	107.43		Grant .....	47.41		Marin .....	49.45
	Monroe .....	52.03		Greene .....	71.92		Mariposa .....	16.70
	Montgomery .....	69.38		Hempstead .....	43.09		Mendocino .....	31.86
	Morgan .....	98.70		Hot Spring .....	54.04		Merced .....	61.43
	Perry .....	46.41		Howard .....	49.62		Modoc .....	13.67
	Pickens .....	54.67		Independence .....	44.07		Mono .....	22.37
	Pike .....	60.23		Izard .....	37.17		Monterey .....	38.84
	Randolph .....	74.31		Jackson .....	52.96		Napa .....	173.09
	Russell .....	59.80		Jefferson .....	61.03		Nevada .....	86.01
	St. Clair .....	101.51		Johnson .....	50.62		Orange .....	173.51
	Shelby .....	111.03		Lafayette .....	42.57		Placer .....	84.67
	Sumter .....	37.62		Lawrence .....	56.25		Plumas .....	14.10
	Talladega .....	76.92		Lee .....	58.85		Riverside .....	81.08
	Tallapoosa .....	63.83		Lincoln .....	58.82		Sacramento .....	56.65
	Tuscaloosa .....	78.41		Little River .....	35.38		San Benito .....	22.58
	Walker .....	68.16		Logan .....	47.27		San Bernardino .....	106.83
	Washington .....	44.66		Lonoke .....	58.53		San Diego .....	142.62
	Wilcox .....	44.49		Madison .....	57.19		San Francisco .....	1,001.26
	Winston .....	68.79		Marion .....	42.38		San Joaquin .....	80.11
Alaska .....	Aleutian Islands Area.	1.00		Miller .....	41.80		San Luis Obispo .....	33.45
	Anchorage Area <sup>1</sup> .	164.97		Mississippi .....	59.96		San Mateo .....	89.71
	Fairbanks Area	29.62		Monroe .....	50.59		Santa Barbara .....	58.47
	Juneau Area <sup>1</sup> ...	1,276.89		Montgomery .....	52.75		Santa Clara .....	53.29
	Kenai Peninsula	56.78		Nevada .....	39.93		Santa Cruz .....	98.37
	All Areas .....	10.01		Newton .....	46.43		Shasta .....	22.24
Arizona .....	Apache .....	3.05		Ouachita .....	46.88		Sierra .....	11.94
	Cochise .....	22.17		Perry .....	51.30		Siskiyou .....	16.19
	Coconino .....	3.30		Phillips .....	54.93		Solano .....	44.12
	Gila .....	5.18		Pike .....	44.88		Sonoma .....	116.08
	Graham .....	9.14		Poinsett .....	64.59		Stanislaus .....	76.51
	Greenlee .....	24.70		Polk .....	55.80		Sutter .....	52.55
	La Paz .....	20.33		Pope .....	57.77		Tehama .....	23.64
	Maricopa .....	89.60		Prairie .....	52.64		Trinity .....	9.05
	Mohave .....	7.63		Pulaski .....	72.35		Tulare .....	59.82
	Navajo .....	4.09		Randolph .....	42.41		Tuolumne .....	36.77
	Pima .....	8.25		St. Francis .....	49.80		Ventura .....	124.03
				Saline .....	74.06		Yolo .....	44.80
				Scott .....	46.25		Yuba .....	45.99
				Searcy .....	35.09	Colorado .....	Adams .....	25.14

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	Alamosa .....	25.51		Tolland .....	250.92		Wakulla .....	65.40
	Arapahoe .....	29.49		Windham .....	192.81		Walton .....	53.70
	Archuleta .....	37.59	Delaware .....	Kent .....	210.36	Georgia .....	Washington .....	53.66
	Baca .....	9.74		New Castle .....	261.29		Appling .....	59.25
	Bent .....	8.14		Sussex .....	206.52		Atkinson .....	67.54
	Boulder .....	100.03	Florida .....	Alachua .....	100.50		Bacon .....	73.30
	Broomfield .....	34.31		Baker .....	121.04		Baker .....	69.47
	Chaffee .....	52.93		Bay .....	96.95		Baldwin .....	61.94
	Cheyenne .....	13.61		Bradford .....	78.07		Banks .....	139.03
	Clear Creek .....	48.02		Brevard .....	101.08		Barrow .....	139.00
	Conejos .....	26.56		Broward .....	427.89		Bartow .....	112.11
	Costilla .....	19.23		Calhoun .....	39.65		Ben Hill .....	64.19
	Crowley .....	5.99		Charlotte .....	94.62		Berrien .....	67.13
	Custer .....	26.65		Citrus .....	123.63		Bibb .....	82.69
	Delta .....	58.09		Clay .....	65.72		Bleckley .....	58.90
	Denver .....	949.16		Collier .....	83.70		Brantley .....	73.20
	Dolores .....	25.25		Columbia .....	84.70		Brooks .....	83.58
	Douglas .....	87.91		DeSoto .....	474.68		Bryan .....	74.21
	Eagle .....	68.94		Dixie .....	87.69		Bulloch .....	61.28
	Elbert .....	21.14		Duval .....	73.61		Burke .....	57.00
	El Paso .....	19.63		Escambia .....	129.49		Butts .....	88.16
	Fremont .....	40.94		Flagler .....	91.12		Calhoun .....	55.45
	Garfield .....	48.62		Franklin .....	79.14		Camden .....	55.17
	Gilpin .....	49.58		Gadsden .....	36.27		Candler .....	60.29
	Grand .....	40.02		Gilchrist .....	82.72		Carroll .....	112.24
	Gunnison .....	49.32		Glades .....	62.22		Catoosa .....	143.46
	Hinsdale .....	92.64		Gulf .....	57.07		Charlton .....	51.63
	Huerfano .....	15.12		Hamilton .....	78.12		Chatham .....	130.65
	Jackson .....	18.25		Hardee .....	53.89		Chattahoochee .....	52.64
	Jefferson .....	96.14		Hendry .....	77.02		Chattooga .....	77.91
	Kiowa .....	11.95		Hernando .....	75.76		Cherokee .....	240.07
	Kit Carson .....	19.82		Highlands .....	156.73		Clarke .....	142.92
	Lake .....	32.51		Hillsborough .....	54.85		Clay .....	41.85
	La Plata .....	51.04		Holmes .....	169.03		Clayton .....	141.02
	Larimer .....	53.95		Indian River .....	52.70		Clinch .....	68.58
	Las Animas .....	7.09		Jackson .....	72.00		Cobb .....	309.63
	Lincoln .....	8.36		Jefferson .....	62.88		Coffee .....	66.62
	Logan .....	15.21		Lafayette .....	78.65		Colquitt .....	74.34
	Mesa .....	58.94		Lake .....	77.00		Columbia .....	124.26
	Mineral .....	76.01		Lee .....	140.76		Cook .....	69.63
	Moffat .....	12.78		Leon .....	177.10		Coweta .....	125.08
	Montezuma .....	19.38		Levy .....	102.72		Crawford .....	78.04
	Montrose .....	50.26		Liberty .....	111.52		Crisp .....	52.89
	Morgan .....	24.96		Madison .....	50.51		Dade .....	80.03
	Otero .....	11.42		Manatee .....	62.88		Dawson .....	196.95
	Ouray .....	49.71		Marion .....	104.37		Decatur .....	72.32
	Park .....	23.30		Martin .....	174.63		DeKalb .....	70.35
	Phillips .....	31.68		Dade .....	122.88		Dodge .....	55.74
	Pitkin .....	97.97		Monroe .....	354.34		Dooly .....	59.35
	Prowers .....	12.03		Nassau .....	89.37		Dougherty .....	82.94
	Pueblo .....	12.84		Okaloosa .....	67.73		Douglas .....	166.81
	Rio Blanco .....	23.26		Okeechobee .....	85.75		Early .....	54.35
	Rio Grande .....	41.37		Orange .....	156.19		Echols .....	66.78
	Routt .....	38.81		Osceola .....	73.71		Effingham .....	70.32
	Saguache .....	26.01		Palm Beach .....	132.38		Elbert .....	89.52
	San Juan .....	22.40		Pasco .....	126.27		Emanuel .....	53.97
	San Miguel .....	25.51		Pinellas .....	562.81		Evans .....	65.48
	Sedgwick .....	22.25		Polk .....	102.32		Fannin .....	164.62
	Summit .....	58.18		Putnam .....	103.23		Fayette .....	154.63
	Teller .....	35.12		St. Johns .....	66.07		Floyd .....	98.63
	Washington .....	17.11		St. Lucie .....	89.88		Forsyth .....	278.25
	Weld .....	34.63		Santa Rosa .....	146.99		Franklin .....	136.98
	Yuma .....	23.98		Sarasota .....	122.42		Fulton .....	171.58
Connecticut ...	Fairfield .....	307.01		Seminole .....	88.83		Gilmer .....	155.42
	Hartford .....	319.64		Sumter .....	99.89		Glascock .....	46.76
	Litchfield .....	288.14		Suwannee .....	74.94		Glynn .....	99.27
	Middlesex .....	355.76		Taylor .....	71.05		Gordon .....	121.41
	New Haven .....	317.53		Union .....	66.73		Grady .....	77.88
	New London .....	261.16		Volusia .....	114.60		Greene .....	81.65

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	Gwinnett .....	261.55		Thomas .....	84.62		Twin Falls .....	35.35
	Habersham .....	145.42		Tift .....	80.38		Valley .....	28.28
	Hall .....	207.84		Toombs .....	60.01	Illinois .....	Washington .....	11.42
	Hancock .....	86.65		Towns .....	149.63		Adams .....	132.27
	Haralson .....	106.61		Treutlen .....	45.39		Alexander .....	88.53
	Harris .....	121.54		Troup .....	100.75		Bond .....	173.24
	Hart .....	131.12		Turner .....	60.33		Boone .....	183.38
	Heard .....	87.88		Twiggs .....	63.30		Brown .....	106.77
	Henry .....	145.14		Union .....	152.22		Bureau .....	196.33
	Houston .....	78.39		Upson .....	79.97		Calhoun .....	101.78
	Irwin .....	64.34		Walker .....	98.89		Carroll .....	183.08
	Jackson .....	140.17		Walton .....	135.84		Cass .....	149.74
	Jasper .....	87.63		Ware .....	62.45		Champaign .....	213.17
	Jeff Davis .....	84.05		Warren .....	51.09		Christian .....	202.86
	Jefferson .....	50.55		Washington .....	52.32		Clark .....	131.54
	Jenkins .....	47.55		Wayne .....	69.50		Clay .....	127.55
	Johnson .....	45.46		Webster .....	44.86		Clinton .....	156.57
	Jones .....	80.38		Wheeler .....	37.77		Coles .....	188.77
	Lamar .....	97.12		White .....	173.77		Cook .....	280.37
	Lanier .....	86.23		Whitfield .....	122.65		Crawford .....	133.81
	Laurens .....	51.91		Wilcox .....	61.72		Cumberland .....	145.66
	Lee .....	72.82		Wilkes .....	70.29		DeKalb .....	192.45
	Liberty .....	53.46		Wilkinson .....	54.00		De Witt .....	210.26
	Lincoln .....	70.16		Worth .....	65.39		Douglas .....	203.73
	Long .....	62.32	Hawaii .....	Hawaii .....	162.75		DuPage .....	186.02
	Lowndes .....	89.52		Honolulu .....	411.14		Edgar .....	175.85
	Lumpkin .....	227.61		Kauai .....	154.91		Edwards .....	107.74
	McDuffie .....	64.85		Maui .....	200.49		Effingham .....	155.20
	McIntosh .....	142.13	Idaho .....	Ada .....	60.37		Fayette .....	119.32
	Macon .....	56.85		Adams .....	17.40		Ford .....	202.99
	Madison .....	72.54		Bannock .....	20.68		Franklin .....	99.30
	Marion .....	65.32		Bear Lake .....	16.26		Fulton .....	140.54
	Meriwether .....	80.26		Benewah .....	18.16		Gallatin .....	117.65
	Miller .....	62.38		Bingham .....	25.57		Greene .....	150.95
	Mitchell .....	72.38		Blaine .....	32.69		Grundy .....	203.96
	Monroe .....	86.30		Boise .....	16.23		Hamilton .....	96.93
	Montgomery .....	43.72		Bonner .....	49.95		Hancock .....	153.32
	Morgan .....	110.62		Bonneville .....	26.51		Hardin .....	94.69
	Murray .....	108.50		Boundary .....	39.12		Henderson .....	165.74
	Muscogee .....	130.02		Butte .....	17.62		Henry .....	182.91
	Newton .....	106.89		Camas .....	16.97		Iroquois .....	182.11
	Oconee .....	182.78		Canyon .....	61.00		Jackson .....	105.43
	Oglethorpe .....	81.96		Caribou .....	16.03		Jasper .....	135.65
	Paulding .....	165.60		Cassia .....	26.80		Jefferson .....	96.49
	Peach .....	101.20		Clark .....	16.66		Jersey .....	157.88
	Pickens .....	169.94		Clearwater .....	21.53		Jo Daviess .....	130.00
	Pierce .....	60.26		Custer .....	26.34		Johnson .....	80.93
	Pike .....	92.37		Elmore .....	23.41		Kane .....	237.60
	Polk .....	91.26		Franklin .....	22.96		Kankakee .....	177.05
	Pulaski .....	66.24		Fremont .....	25.54		Kendall .....	232.48
	Putnam .....	96.23		Gem .....	31.59		Knox .....	183.88
	Quitman .....	53.97		Gooding .....	43.81		Lake .....	211.26
	Rabun .....	179.11		Idaho .....	15.96		La Salle .....	278.37
	Randolph .....	48.97		Jefferson .....	29.97		Lawrence .....	131.13
	Richmond .....	67.06		Jerome .....	43.93		Lee .....	202.62
	Rockdale .....	176.71		Kootenai .....	47.34		Livingston .....	192.45
	Schley .....	57.51		Latah .....	20.62		Logan .....	192.32
	Screven .....	54.00		Lemhi .....	25.42		McDonough .....	188.17
	Seminole .....	68.39		Lewis .....	16.04		McHenry .....	216.08
	Spalding .....	132.33		Lincoln .....	30.03		McLean .....	219.03
	Stephens .....	133.43		Madison .....	37.91		Macon .....	209.72
	Stewart .....	49.67		Minidoka .....	39.66		Macoupin .....	166.48
	Sumter .....	57.29		Nez Perce .....	19.25		Madison .....	170.86
	Talbot .....	52.73		Oneida .....	13.58		Marion .....	112.49
	Taliaferro .....	55.74		Owyhee .....	14.04		Marshall .....	185.39
	Tattnall .....	70.29		Payette .....	34.56		Mason .....	156.54
	Taylor .....	51.25		Power .....	17.30		Massac .....	95.79
	Telfair .....	48.15		Shoshone .....	68.41		Menard .....	169.32
	Terrell .....	59.82		Teton .....	37.66		Mercer .....	162.60

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Indiana	Monroe	138.66	Iowa	Howard	169.98	Iowa	Buena Vista	195.77
	Montgomery	159.48		Huntington	145.90		Butler	183.10
	Morgan	178.93		Jackson	122.62		Calhoun	206.06
	Moultrie	205.84		Jasper	164.10		Carroll	201.74
	Ogle	185.62		Jay	175.67		Cass	146.50
	Peoria	185.29		Jefferson	94.72		Cedar	192.28
	Perry	109.01		Jennings	104.26		Cerro Gordo	177.80
	Piatt	231.71		Johnson	162.99		Cherokee	199.02
	Pike	131.64		Knox	151.08		Chickasaw	191.92
	Pope	69.75		Kosciusko	156.97		Clarke	90.56
	Pulaski	107.71		LaGrange	199.28		Clay	198.02
	Putnam	168.52		Lake	151.79		Clayton	128.33
	Randolph	119.39		LaPorte	162.79		Clinton	190.44
	Richland	117.68		Lawrence	84.89		Crawford	185.48
	Rock Island	166.95		Madison	161.29		Dallas	180.39
	St. Clair	169.05		Marion	171.86		Davis	78.90
	Saline	112.93		Marshall	139.21		Decatur	80.10
	Sangamon	197.27		Martin	108.04		Delaware	193.22
	Schuyler	117.21		Miami	135.63		Des Moines	149.45
	Scott	155.87		Monroe	129.28		Dickinson	189.33
	Shelby	161.66		Montgomery	149.45		Dubuque	163.36
	Stark	199.14		Morgan	131.72		Emmet	195.20
	Stephenson	182.11		Newton	151.82		Fayette	184.44
	Tazewell	199.18		Noble	129.34		Floyd	171.64
	Union	94.92		Ohio	95.26		Franklin	178.21
	Vermilion	188.57		Orange	93.32		Fremont	164.67
	Wabash	142.21		Owen	90.88		Greene	186.69
	Warren	185.32		Parke	111.55		Grundy	215.34
	Washington	138.70		Perry	80.24		Guthrie	155.45
	Wayne	119.69		Pike	114.29		Hamilton	217.76
	White	120.02		Porter	160.35		Hancock	186.55
	Whiteside	183.18		Posey	128.37		Hardin	198.02
	Will	209.72		Pulaski	137.87		Harrison	156.15
	Williamson	118.01		Putnam	112.32		Henry	132.16
	Winnegago	169.46		Randolph	136.13		Howard	176.77
	Woodford	207.51		Ripley	109.14		Humboldt	204.52
	Adams	155.03		Rush	162.93		Ida	181.96
	Allen	165.20		St. Joseph	164.30		Iowa	162.29
	Bartholomew	157.27		Scott	96.10		Jackson	142.95
	Benton	172.79		Shelby	163.90		Jasper	166.71
	Blackford	113.12		Spencer	103.55		Jefferson	123.11
	Boone	165.13		Starke	117.27		Johnson	184.14
	Brown	107.10		Steuben	120.04		Jones	179.61
	Carroll	182.66		Sullivan	111.78		Keokuk	133.63
	Cass	144.83		Switzerland	94.39		Kossuth	203.98
	Clark	113.12		Tippecanoe	180.12		Lee	114.43
	Clay	116.60		Tipton	195.44		Linn	180.25
	Clinton	178.55		Union	132.59		Louisa	153.97
	Crawford	68.53		Vanderburgh	113.22		Lucas	77.05
	Daviess	173.36		Vermillion	127.14		Lyon	221.07
Dearborn	108.94	Vigo	103.72	Madison	131.45			
Decatur	142.39	Wabash	138.27	Mahaska	150.76			
DeKalb	118.51	Warren	157.61	Marion	119.65			
Delaware	141.82	Warrick	129.95	Marshall	177.57			
Dubois	119.68	Washington	88.87	Mills	169.36			
Elkhart	215.87	Wayne	138.54	Mitchell	197.68			
Fayette	124.36	Wells	169.38	Monona	147.24			
Floyd	142.66	White	182.96	Monroe	85.03			
Fountain	128.37	Whitley	137.47	Montgomery	150.42			
Franklin	122.49	Adair	125.45	Muscatine	168.62			
Fulton	134.43	Adams	115.10	O'Brien	228.92			
Gibson	142.59	Allamakee	114.09	Osceola	188.73			
Grant	149.28	Appanoose	79.60	Page	134.90			
Greene	105.49	Audubon	178.64	Palo Alto	201.70			
Hamilton	171.99	Benton	193.56	Plymouth	197.14			
Hancock	152.99	Black Hawk	213.67	Pocahontas	204.72			
Harrison	98.50	Boone	202.34	Polk	189.10			
Hendricks	156.10	Bremer	206.80	Pottawattamie	188.56			
Henry	132.52	Buchanan	196.61	Poweshiek	163.02			

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Kansas	Ringgold	91.70	Kentucky	Labette	39.18		Breckinridge	63.99
	Sac	198.95		Lane	33.91		Bullitt	97.23
	Scott	217.66		Leavenworth	85.28		Butler	53.95
	Shelby	181.59		Lincoln	39.38		Caldwell	72.96
	Sioux	244.13		Linn	46.39		Calloway	79.16
	Story	210.15		Logan	31.11		Campbell	117.17
	Tama	174.35		Lyon	41.12		Carlisle	75.46
	Taylor	102.63		McPherson	59.51		Carroll	70.35
	Union	92.27		Marion	55.59		Carter	46.88
	Van Buren	93.18		Marshall	70.97		Casey	54.18
	Wapello	110.60		Meade	32.16		Christian	92.13
	Warren	137.12		Miami	82.54		Clark	87.56
	Washington	163.76		Mitchell	59.05		Clay	42.48
	Wayne	86.67		Montgomery	40.79		Clinton	69.19
	Webster	197.14		Morris	38.72		Crittenden	57.42
	Winnebago	180.92		Morton	22.31		Cumberland	45.55
	Winneshiek	159.77		Nemaha	74.40		Daviess	103.60
	Woodbury	160.18		Neosho	39.47		Edmonson	63.45
	Worth	164.77		Ness	27.45		Elliott	36.21
	Wright	193.29		Norton	34.93		Estill	49.28
	Allen	36.81		Osage	42.87		Fayette	243.07
	Anderson	41.06		Osborne	36.11		Fleming	55.92
	Atchison	56.77		Ottawa	49.62		Floyd	39.28
	Barber	32.03		Pawnee	48.04		Franklin	98.26
	Barton	41.32		Phillips	32.98		Fulton	93.09
	Bourbon	38.16		Pottawatomie	50.28		Gallatin	80.72
	Brown	86.23		Pratt	42.18		Garrard	65.92
	Butler	46.39		Rawlins	45.97		Grant	81.62
	Chase	35.75		Reno	47.35		Graves	86.49
	Chautauqua	30.45		Republic	69.89		Grayson	60.55
	Cherokee	49.10		Rice	42.11		Green	60.42
	Cheyenne	41.75		Riley	48.21		Greenup	47.21
	Clark	23.99		Rooks	34.60		Hancock	75.02
	Clay	55.65		Rush	34.20		Hardin	93.49
	Cloud	52.49		Russell	30.12		Harlan	35.28
	Coffey	40.23		Saline	52.09		Harrison	72.82
	Comanche	24.28		Scott	40.00		Hart	59.18
	Cowley	37.76		Sedgwick	62.64		Henderson	97.40
	Crawford	44.15		Seward	30.35		Henry	89.16
	Decatur	40.20		Shawnee	65.60		Hickman	92.83
	Dickinson	53.18		Sheridan	50.58		Hopkins	77.42
	Doniphan	94.86		Sherman	45.01		Jackson	48.48
Douglas	75.23	Smith	42.77	Jefferson	230.27			
Edwards	56.25	Stafford	46.59	Jessamine	145.98			
Elk	33.44	Stanton	29.19	Johnson	46.68			
Ellis	35.13	Stevens	36.15	Kenton	116.30			
Ellsworth	34.96	Sumner	47.25	Knott	36.08			
Finney	37.93	Thomas	56.21	Knox	46.65			
Ford	32.09	Trego	34.60	Larue	91.29			
Franklin	61.19	Wabauunsee	38.75	Laurel	91.99			
Geary	51.11	Wallace	33.25	Lawrence	37.78			
Gove	33.91	Washington	61.52	Lee	50.75			
Graham	34.76	Wichita	35.78	Leslie	115.93			
Grant	35.13	Wilson	37.89	Letcher	61.69			
Gray	35.19	Woodson	36.28	Lewis	39.18			
Greeley	39.21	Wyandotte	126.76	Lincoln	66.39			
Greenwood	37.13	Adair	68.29	Livingston	56.75			
Hamilton	26.66	Allen	78.82	Logan	89.33			
Harper	40.00	Anderson	83.13	Lyon	54.02			
Harvey	67.75	Ballard	90.76	McCracken	82.09			
Haskell	36.31	Barren	78.56	McCreary	47.75			
Hodgeman	28.34	Bath	52.05	McLean	100.30			
Jackson	46.39	Bell	51.88	Madison	80.49			
Jefferson	58.98	Boone	164.58	Magoffin	39.55			
Jewell	50.88	Bourbon	113.53	Marion	71.82			
Johnson	114.40	Boyd	62.22	Marshall	81.56			
Kearny	34.20	Boyle	90.83	Martin	134.27			
Kingman	37.66	Bracken	55.88	Mason	68.75			
Kiowa	32.49	Breathitt	38.14	Meade	86.53			

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Louisiana .....	Menifee .....	47.68	Maine .....	Lincoln .....	84.15	Massachusetts	St. Mary's .....	173.68
	Mercer .....	90.13		Livingston .....	145.35		Somerset .....	143.92
	Metcalfe .....	60.18		Madison .....	62.40		Talbot .....	173.94
	Monroe .....	62.92		Morehouse .....	59.87		Washington .....	157.34
	Montgomery .....	73.16		Natchitoches .....	61.39		Wicomico .....	165.30
	Morgan .....	34.04		Orleans .....	391.71		Worcester .....	157.08
	Muhlenberg .....	61.99		Ouachita .....	73.75		Barnstable .....	822.05
	Nelson .....	89.69		Plaquemines .....	31.93		Berkshire .....	161.93
	Nicholas .....	57.58		Pointe Coupee .....	69.39		Bristol .....	336.21
	Ohio .....	65.29		Rapides .....	64.30		Dukes .....	225.93
	Oldham .....	166.65		Red River .....	49.41		Essex .....	480.01
	Owen .....	61.52		Richland .....	58.07		Franklin .....	140.23
	Owsley .....	35.98		Sabine .....	80.42		Hampden .....	169.27
	Pendleton .....	63.15		St. Bernard .....	42.04		Hampshire .....	186.07
	Perry .....	32.18		St. Charles .....	54.78		Middlesex .....	441.14
	Pike .....	35.58		St. Helena .....	84.63		Nantucket .....	614.59
	Powell .....	42.41		St. James .....	89.02		Norfolk .....	559.69
	Pulaski .....	77.26		St. John the .....	73.59		Plymouth .....	265.35
	Robertson .....	48.21		Baptist.			Suffolk .....	4,725.88
	Rockcastle .....	54.22		St. Landry .....	60.82		Worcester .....	215.27
	Rowan .....	56.88		St. Martin .....	62.53		Michigan .....	Alcona .....
	Russell .....	82.16		St. Mary .....	63.41	Alger .....		53.79
	Scott .....	121.97		St. Tammany .....	185.00	Allegan .....		124.47
	Shelby .....	130.21		Tangipahoa .....	104.13	Alpena .....		63.21
	Simpson .....	111.03		Tensas .....	55.57	Antrim .....		93.12
	Spencer .....	83.59		Terrebonne .....	56.71	Arenac .....		72.30
	Taylor .....	74.22		Union .....	73.56	Baraga .....		48.01
	Todd .....	98.43		Vermilion .....	65.72	Barry .....		103.42
	Trigg .....	78.96		Vernon .....	79.92	Bay .....		104.40
	Trimble .....	84.19		Washington .....	89.65	Benzie .....		108.33
	Union .....	109.47		Webster .....	88.07	Berrien .....		145.29
	Warren .....	96.20		West Baton .....	94.84	Branch .....		92.34
	Washington .....	68.29		Rouge.		Calhoun .....		95.53
	Wayne .....	60.65		West Carroll .....	53.99	Cass .....		102.90
	Webster .....	85.19		West Feliciana .....	66.73	Charlevoix .....		95.72
	Whitley .....	57.82		Winn .....	61.14	Cheboygan .....		64.51
	Wolfe .....	39.68		Androscoggin .....	64.76	Chippewa .....		42.16
	Woodford .....	217.53		Aroostook .....	36.06	Clare .....		73.67
	Acadia .....	56.11		Cumberland .....	123.95	Clinton .....		112.91
	Allen .....	53.14		Franklin .....	54.87	Crawford .....		85.95
	Ascension .....	88.99		Hancock .....	85.09	Delta .....		50.70
	Assumption .....	77.07		Kennebec .....	72.40	Dickinson .....	57.46	
	Avoyelles .....	57.38		Knox .....	95.92	Eaton .....	96.73	
	Beauregard .....	63.16		Lincoln .....	88.12	Emmet .....	82.15	
	Bienville .....	60.16		Oxford .....	64.22	Genesee .....	100.50	
	Bossier .....	85.04		Penobscot .....	50.90	Gladwin .....	73.28	
	Caddo .....	68.85		Piscataquis .....	43.32	Gogebic .....	68.18	
Calcasieu .....	64.90	Sagadahoc .....	95.44	Grand Traverse .....	138.57			
Caldwell .....	62.62	Somerset .....	53.52	Gratiot .....	117.19			
Cameron .....	44.48	Waldo .....	47.11	Hillsdale .....	89.49			
Catahoula .....	61.39	Washington .....	39.50	Houghton .....	46.06			
Claiborne .....	63.67	York .....	122.98	Huron .....	135.19			
Concordia .....	58.36	Allegany .....	91.87	Ingham .....	105.99			
De Soto .....	68.50	Anne Arundel .....	304.58	Ionia .....	108.36			
East Baton .....	145.32	Baltimore .....	248.32	Iosco .....	69.45			
Rouge.		Calvert .....	198.24	Iron .....	51.68			
East Carroll .....	69.26	Caroline .....	160.69	Isabella .....	98.91			
East Feliciana .....	75.40	Carroll .....	214.22	Jackson .....	99.33			
Evangeline .....	53.65	Cecil .....	190.85	Kalamazoo .....	120.90			
Franklin .....	57.66	Charles .....	169.74	Kalkaska .....	79.09			
Grant .....	53.96	Dorchester .....	137.08	Kent .....	152.21			
Iberia .....	79.28	Frederick .....	199.79	Keweenaw .....	65.39			
Iberville .....	45.59	Garrett .....	110.68	Lake .....	67.50			
Jackson .....	71.57	Harford .....	217.38	Lapeer .....	118.82			
Jefferson .....	96.20	Howard .....	288.34	Leelanau .....	174.91			
Jefferson Davis .....	57.47	Kent .....	179.21	Lenawee .....	105.43			
Lafayette .....	64.87	Montgomery .....	267.56	Livingston .....	126.00			
Lafourche .....	120.63	Prince George's .....	207.52	Luce .....	59.64			
La Salle .....	54.31	Queen Anne's .....	195.81	Mackinac .....	53.98			

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—ContinuedAPPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—ContinuedAPPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Minnesota	Macomb	143.50	Mississippi	Koochiching	31.45	Missouri	DeSoto	68.35
	Manistee	74.71		Lac qui Parle	117.28		Forrest	88.41
	Marquette	52.94		Lake	87.83		Franklin	66.31
	Mason	74.19		Lake of the Woods	39.84		George	86.98
	Mecosta	77.63		Le Sueur	148.33		Greene	56.29
	Menominee	52.13		Lincoln	103.68		Grenada	47.29
	Midland	93.55		Lyon	138.97		Hancock	102.58
	Missaukee	78.61		McLeod	143.99		Harrison	160.41
	Monroe	118.30		Mahnomen	54.41		Hinds	59.33
	Montcalm	86.69		Marshall	56.38		Holmes	54.28
	Montmorency	59.05		Martin	164.01		Humphreys	57.16
	Muskegon	133.30		Meeker	111.23		Issaquena	49.62
	Newaygo	92.44		Mille Lacs	73.60		Itawamba	51.95
	Oakland	222.76		Morrison	74.17		Jackson	97.76
	Oceana	83.70		Mower	160.09		Jasper	51.69
	Ogemaw	68.86		Murray	150.90		Jefferson	54.83
	Ontonagon	44.01		Nicollet	173.50		Jefferson Davis	51.37
	Osceola	65.90		Nobles	158.22		Jones	82.52
	Oscoda	68.31		Norman	80.01		Kemper	44.96
	Otsego	65.65		Olmsted	146.32		Lafayette	58.03
	Ottawa	167.80		Otter Tail	66.98		Lamar	93.23
	Presque Isle	55.74		Pennington	48.56		Lauderdale	61.78
	Roscommon	68.24		Pine	53.94		Lawrence	69.58
	Saginaw	99.17		Pipestone	140.38		Leake	69.29
	St. Clair	97.09		Polk	77.61		Lee	49.49
	St. Joseph	123.53		Pope	98.03		Leflore	52.21
	Sanilac	113.98		Ramsey	245.32		Lincoln	77.57
	Schoolcraft	42.19		Red Lake	46.79		Lowndes	54.93
	Shiawassee	92.96		Redwood	169.12		Madison	67.77
	Tuscola	118.04		Renville	161.90		Marion	76.76
	Van Buren	115.50		Rice	153.24		Marshall	51.05
	Washtenaw	132.39		Rock	187.97		Monroe	45.25
	Wayne	193.39		Roseau	31.75		Montgomery	46.03
	Wexford	73.99		St. Louis	50.27		Neshoba	79.74
	Aitkin	47.13		Scott	166.51		Newton	53.89
	Anoka	161.30		Sherburne	115.01		Noxubee	55.93
	Becker	72.63		Sibley	160.26		Oktibbeha	57.00
	Beltrami	45.42		Stearns	104.31		Panola	49.78
	Benton	91.85		Steele	160.40		Pearl River	82.81
	Big Stone	104.31		Stevens	119.45		Perry	74.08
	Blue Earth	171.46		Swift	136.80		Pike	91.93
	Brown	147.53		Todd	63.20		Pontotoc	47.07
	Carlton	50.07		Traverse	118.92		Prentiss	40.60
	Carver	154.88		Wabasha	125.60		Quitman	52.11
	Cass	51.07		Wadena	47.69		Rankin	77.38
	Chippewa	138.17		Waseca	157.25		Scott	65.41
	Chisago	116.41		Washington	220.26		Sharkey	59.33
	Clay	94.08		Watsonwan	163.40		Simpson	70.87
	Clearwater	44.89		Wilkin	104.35		Smith	76.50
	Cook	126.84		Winona	125.30		Stone	94.59
	Cottonwood	146.89		Wright	143.35		Sunflower	50.50
	Crow Wing	69.19		Yellow Medicine	122.39		Tallahatchie	58.19
	Dakota	151.74		Adams	56.16		Tate	51.95
Dodge	164.37	Alcorn	48.30	Tippah	42.12			
Douglas	82.29	Amite	87.08	Tishomingo	47.94			
Faribault	150.37	Attala	46.61	Tunica	69.90			
Fillmore	122.66	Benton	41.31	Union	53.63			
Freeborn	145.82	Bolivar	62.59	Walthall	77.44			
Goodhue	144.85	Calhoun	47.71	Warren	48.59			
Grant	96.69	Carroll	48.62	Washington	55.02			
Hennepin	220.19	Chickasaw	47.81	Wayne	75.40			
Houston	92.31	Choctaw	51.05	Webster	46.74			
Hubbard	60.26	Claiborne	52.05	Wilkinson	58.16			
Isanti	99.57	Clarke	61.01	Winston	56.22			
Itasca	50.37	Clay	42.41	Yalobusha	47.10			
Jackson	163.37	Coahoma	65.28	Yazoo	54.34			
Kanabec	61.36	Copiah	59.16	Adair	64.57			
Kandiyohi	128.51	Covington	76.11	Andrew	93.66			
Kittson	46.89			Atchison	128.02			



APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	Audrain .....	100.64		Newton .....	67.86		McCone .....	10.11
	Barry .....	66.81		Nodaway .....	85.60		Madison .....	26.38
	Barton .....	55.42		Oregon .....	40.97		Meagher .....	20.25
	Bates .....	59.70		Osage .....	53.91		Mineral .....	93.68
	Benton .....	55.03		Ozark .....	42.75		Missoula .....	58.32
	Bollinger .....	53.02		Pemiscot .....	95.24		Musselshell .....	10.40
	Boone .....	95.93		Perry .....	70.36		Park .....	53.76
	Buchanan .....	90.87		Pettis .....	72.04		Petroleum .....	9.24
	Butler .....	83.82		Phelps .....	60.59		Phillips .....	12.11
	Caldwell .....	59.90		Pike .....	91.13		Pondera .....	17.09
	Callaway .....	86.03		Platte .....	102.35		Powder River ...	11.61
	Camden .....	57.30		Polk .....	54.40		Powell .....	19.93
	Cape Girardeau	82.47		Pulaski .....	51.27		Prairie .....	11.87
	Carroll .....	82.51		Putnam .....	54.30		Ravalli .....	102.29
	Carter .....	43.77		Ralls .....	84.51		Richland .....	12.59
	Cass .....	87.34		Randolph .....	69.24		Roosevelt .....	13.32
	Cedar .....	47.98		Ray .....	71.88		Rosebud .....	8.69
	Chariton .....	78.26		Reynolds .....	38.51		Sanders .....	25.01
	Christian .....	82.24		Ripley .....	47.23		Sheridan .....	12.48
	Clark .....	69.87		St. Charles .....	111.63		Silver Bow .....	33.04
	Clay .....	112.75		St. Clair .....	43.61		Stillwater .....	29.41
	Clinton .....	90.24		Ste. Genevieve	60.69		Sweet Grass ...	22.64
	Cole .....	76.68		St. Francois .....	66.15		Teton .....	22.14
	Cooper .....	74.81		St Louis .....	108.67		Toole .....	15.11
	Crawford .....	54.76		Saline .....	105.91		Treasure .....	10.58
	Dade .....	57.73		Schuyler .....	58.61		Valley .....	10.45
	Dallas .....	61.25		Scotland .....	77.31		Wheatland .....	10.79
	Daviess .....	73.29		Scott .....	107.35		Wibaux .....	9.85
	DeKalb .....	74.18		Shannon .....	43.97		Yellowstone .....	16.09
	Dent .....	42.19		Shelby .....	93.53	Nebraska .....	Adams .....	128.93
	Douglas .....	42.75		Stoddard .....	115.65		Antelope .....	103.92
	Dunklin .....	99.26		Stone .....	62.37		Arthur .....	10.32
	Franklin .....	98.01		Sullivan .....	48.91		Banner .....	18.81
	Gasconade .....	64.54		Taney .....	51.64		Blaine .....	12.52
	Gentry .....	69.41		Texas .....	43.21		Boone .....	107.68
	Greene .....	96.95		Vernon .....	56.77		Box Butte .....	26.08
	Grundy .....	60.62		Warren .....	102.15		Boyd .....	33.59
	Harrison .....	65.66		Washington .....	50.52		Brown .....	17.50
	Henry .....	55.92		Wayne .....	40.22		Buffalo .....	91.31
	Hickory .....	51.11		Webster .....	68.78		Burt .....	127.43
	Holt .....	100.02		Worth .....	59.34		Butler .....	120.87
	Howard .....	66.81		Wright .....	47.33		Cass .....	141.51
	Howell .....	49.56	Montana .....	Beaverhead .....	23.49		Cedar .....	107.68
	Iron .....	42.39		Big Horn .....	9.29		Chase .....	48.04
	Jackson .....	106.30		Blaine .....	12.59		Cherry .....	12.98
	Jasper .....	61.54		Broadwater .....	24.09		Cheyenne .....	21.80
	Jefferson .....	89.71		Carbon .....	24.80		Clay .....	125.39
	Johnson .....	69.64		Carter .....	11.32		Colfax .....	129.27
	Knox .....	78.49		Cascade .....	22.22		Cuming .....	131.04
	Laclede .....	57.92		Chouteau .....	16.90		Custer .....	46.36
	Lafayette .....	111.24		Custer .....	8.48		Dakota .....	117.23
	Lawrence .....	67.47		Daniels .....	10.87		Dawes .....	18.17
	Lewis .....	76.19		Dawson .....	9.43		Dawson .....	75.89
	Lincoln .....	102.68		Deer Lodge .....	33.96		Deuel .....	24.40
	Linn .....	63.62		Fallon .....	9.24		Dixon .....	101.32
	Livingston .....	76.78		Fergus .....	18.22		Dodge .....	137.08
	McDonald .....	60.92		Flathead .....	105.19		Douglas .....	151.89
	Macon .....	65.23		Gallatin .....	55.66		Dundy .....	33.19
	Madison .....	48.44		Garfield .....	10.40		Fillmore .....	134.67
	Maries .....	51.37		Glacier .....	14.38		Franklin .....	72.53
	Marion .....	93.76		Golden Valley ...	11.87		Frontier .....	35.85
	Mercer .....	58.42		Granite .....	26.88		Furnas .....	57.20
	Miller .....	58.48		Hill .....	13.64		Gage .....	85.29
	Mississippi .....	109.33		Jefferson .....	23.88		Garden .....	14.93
	Moniteau .....	71.02		Judith Basin .....	18.80		Garfield .....	24.22
	Monroe .....	82.28		Lake .....	33.65		Gosper .....	77.32
	Montgomery .....	90.90		Lewis and Clark	31.91		Grant .....	13.50
	Morgan .....	69.67		Liberty .....	12.80		Greeley .....	78.88
	New Madrid .....	116.77		Lincoln .....	79.04		Hall .....	109.20

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Nevada	Hamilton	157.48	New Hamp- shire.	White Pine	16.47	North Carolina	Cattaraugus	49.25
	Harlan	75.31		Belknap	137.47		Cayuga	83.73
	Hayes	31.61		Carroll	119.57		Chautauqua	53.78
	Hitchcock	31.51		Cheshire	73.67		Chemung	62.70
	Holt	51.12		Coos	60.05		Chenango	47.79
	Hooker	10.81		Grafton	74.84		Clinton	52.74
	Howard	72.04		Hillsborough	163.45		Columbia	136.01
	Jefferson	95.95		Merrimack	100.00		Cortland	49.64
	Johnson	62.17		Rockingham	186.92		Delaware	64.91
	Kearney	129.05		Strafford	123.41		Dutchess	135.10
	Keith	45.41	Sullivan	99.09	Erie		77.05	
	Keya Paha	18.93	Atlantic	294.97	Essex		54.95	
	Kimball	21.19	Bergen	1,009.12	Franklin		43.75	
	Knox	67.76	Burlington	231.91	Fulton		55.93	
	Lancaster	111.89	Camden	301.26	Genesee		68.56	
	Lincoln	35.09	Cape May	276.15	Greene		97.30	
	Logan	27.76	Cumberland	192.38	Hamilton		47.46	
	Loup	18.11	Essex	1,519.67	Herkimer		50.20	
	McPherson	10.93	Gloucester	285.13	Jefferson		42.71	
	Madison	117.69	Hudson	306.29	Kings		20,638.99	
	Merrick	93.75	Hunterdon	392.69	Lewis		43.49	
	Morrill	22.54	Mercer	486.27	Livingston		75.46	
	Nance	83.49	Middlesex	471.34	Madison		53.19	
	Nemaha	99.37	Monmouth	516.71	Monroe		92.48	
	Nuckolls	92.16	Morris	554.21	Montgomery		59.87	
	Otoe	104.93	Ocean	369.82	Nassau		477.43	
	Pawnee	63.21	Passaic	747.07	New York		67.71	
	Perkins	55.49	Salem	189.03	Niagara		59.70	
	Phelps	110.03	Somerset	490.76	Oneida		51.86	
	Pierce	105.63	Sussex	255.53	Onondaga		82.17	
	Platte	124.29	Union	3,018.86	Ontario		83.92	
	Polk	145.18	Warren	244.93	Orange		144.21	
	Red Willow	38.94	Bernalillo	21.18	Orleans		67.65	
	Richardson	93.14	Catron	7.99	Oswego		52.67	
	Rock	26.32	Chaves	6.72	Otsego		58.47	
	Saline	117.69	Cibola	5.84	Putnam		142.39	
	Sarpy	145.57	Colfax	7.40	Queens		133.53	
	Saunders	128.69	Curry	10.81	Rensselaer		89.49	
	Scotts Bluff	45.62	De Baca	4.62	Richmond		4,591.66	
	Seward	122.91	Dona Ana	33.44	Rockland		2,255.74	
	Sheridan	16.92	Eddy	8.36	St. Lawrence		36.92	
	Sherman	57.87	Grant	7.01	Saratoga		124.78	
	Sioux	13.99	Guadalupe	4.97	Schenectady		89.95	
	Stanton	106.88	Harding	5.28	Schoharie		59.35	
	Thayer	100.71	Hidalgo	4.62	Schuyler		74.42	
	Thomas	12.28	Lea	6.33	Seneca		76.70	
	Thurston	123.34	Lincoln	6.61	Steuben		47.76	
Valley	53.96	Los Alamos	285.20	Suffolk	304.64			
Washington	147.16	Luna	7.92	Sullivan	95.90			
Wayne	106.82	McKinley	5.88	Tioga	51.24			
Webster	69.14	Mora	10.37	Tompkins	71.81			
Wheeler	29.93	Otero	7.85	Ulster	131.32			
York	137.57	Quay	6.26	Warren	104.11			
Carson City	28.77	Rio Arriba	13.52	Washington	63.19			
Churchill	18.47	Roosevelt	9.11	Wayne	64.55			
Clark	28.09	Sandoval	6.49	Westchester	419.36			
Douglas	22.43	San Juan	7.05	Wyoming	68.17			
Elko	51.65	San Miguel	9.76	Yates	103.03			
Esmeralda	18.72	Santa Fe	15.81	Alamance	122.96			
Eureka	43.21	Sierra	5.35	Alexander	155.13			
Humboldt	22.21	Socorro	9.20	Alleghany	125.24			
Lander	3.81	Taos	21.90	Anson	97.14			
Lincoln	13.79	Torrance	6.79	Ashe	148.32			
Lyon	4.98	Union	6.87	Avery	181.70			
Mineral	7.63	Valencia	17.61	Beaufort	79.70			
Nye	5.72	Albany	80.70	Bertie	70.47			
Pershing	22.38	Allegany	45.58	Bladen	85.83			
Storey	16.89	Bronx	67.71	Brunswick	112.20			
Washoe	3.30	Broome	68.30	Buncombe	224.30			

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	Burke .....	138.67		Rutherford .....	105.22		Walsh .....	63.61
	Cabarrus .....	191.02		Sampson .....	103.66		Ward .....	41.14
	Caldwell .....	143.98		Scotland .....	93.88		Wells .....	43.28
	Camden .....	74.09		Stanly .....	134.07		Williams .....	19.93
	Carteret .....	85.73		Stokes .....	100.33	Ohio .....	Adams .....	76.46
	Caswell .....	75.04		Surry .....	119.63		Allen .....	141.13
	Catawba .....	140.82		Swain .....	164.06		Ashland .....	122.26
	Chatham .....	129.38		Transylvania .....	230.46		Ashtabula .....	87.47
	Cherokee .....	149.85		Tyrrell .....	66.37		Athens .....	74.29
	Chowan .....	82.63		Union .....	147.27		Auglaize .....	161.42
	Clay .....	130.13		Vance .....	90.23		Belmont .....	89.31
	Cleveland .....	107.34		Wake .....	249.69		Brown .....	96.22
	Columbus .....	79.08		Warren .....	66.82		Butler .....	156.12
	Craven .....	80.68		Washington .....	78.69		Carroll .....	99.29
	Cumberland .....	81.39		Watauga .....	194.90		Champaign .....	143.13
	Currituck .....	106.59		Wayne .....	107.54		Clark .....	137.22
	Dare .....	100.59		Wilkes .....	126.28		Clermont .....	136.38
	Davidson .....	160.05		Wilson .....	99.55		Clinton .....	132.55
	Davie .....	161.09		Yadkin .....	137.36		Columbiana .....	129.84
	Duplin .....	106.30	North Dakota ..	Yancey .....	169.05		Coshocton .....	91.61
	Durham .....	223.68		Adams .....	21.57		Crawford .....	125.03
	Edgecombe .....	68.68		Barnes .....	59.80		Cuyahoga .....	457.06
	Forsyth .....	216.67		Benson .....	34.58		Darke .....	189.57
	Franklin .....	111.38		Billings .....	21.07		Defiance .....	119.72
	Gaston .....	158.09		Bottineau .....	36.15		Delaware .....	158.59
	Gates .....	90.75		Bowman .....	20.13		Erie .....	125.73
	Graham .....	157.15		Burke .....	22.44		Fairfield .....	127.47
	Granville .....	107.11		Burleigh .....	37.66		Fayette .....	146.17
	Greene .....	101.70		Cass .....	76.65		Franklin .....	164.30
	Guilford .....	161.29		Cavalier .....	50.90		Fulton .....	148.40
	Halifax .....	61.84		Dickey .....	60.30		Gallia .....	86.91
	Harnett .....	139.48		Divide .....	17.29		Geauga .....	189.47
	Haywood .....	165.17		Dunn .....	24.41		Greene .....	160.59
	Henderson .....	203.60		Eddy .....	35.79		Guernsey .....	76.69
	Hertford .....	62.39		Emmons .....	31.50		Hamilton .....	194.51
	Hoke .....	83.55		Foster .....	49.97		Hancock .....	126.37
	Hyde .....	64.15		Golden Valley .....	22.54		Hardin .....	130.54
	Iredell .....	156.82		Grand Forks .....	56.22		Harrison .....	80.33
	Jackson .....	251.81		Grant .....	24.68		Henry .....	150.77
	Johnston .....	127.32		Griggs .....	48.80		Highland .....	96.65
	Jones .....	69.56		Hettinger .....	30.00		Hocking .....	95.75
	Lee .....	109.00		Kidder .....	24.75		Holmes .....	155.52
	Lenoir .....	88.01		LaMoure .....	57.86		Huron .....	119.79
	Lincoln .....	145.28		Logan .....	27.36		Jackson .....	63.10
	McDowell .....	150.43		McHenry .....	24.05		Jefferson .....	73.58
	Macon .....	199.00		McIntosh .....	31.47		Knox .....	127.64
	Madison .....	141.18		McKenzie .....	19.73		Lake .....	201.66
	Martin .....	73.51		McLean .....	35.12		Lawrence .....	65.20
	Mecklenburg .....	536.97		Mercer .....	25.48		Licking .....	130.71
	Mitchell .....	137.46		Morton .....	27.36		Logan .....	132.98
	Montgomery .....	106.89		Mountrail .....	24.35		Lorain .....	125.47
	Moore .....	138.86		Nelson .....	31.44		Lucas .....	154.31
	Nash .....	99.42		Oliver .....	27.32		Madison .....	136.02
	New Hanover .....	371.12		Pembina .....	68.96		Mahoning .....	132.68
	Northampton .....	68.26		Pierce .....	27.49		Marion .....	127.47
	Onslow .....	99.58		Ramsey .....	37.26		Medina .....	169.94
	Orange .....	174.52		Ransom .....	48.90		Meigs .....	64.84
	Pamlico .....	75.04		Renville .....	43.28		Mercer .....	209.77
	Pasquotank .....	82.37		Richland .....	79.46		Miami .....	152.31
	Pender .....	110.28		Rolette .....	30.07		Monroe .....	61.63
	Perquimans .....	84.62		Sargent .....	63.48		Montgomery .....	156.45
	Person .....	99.03		Sheridan .....	25.02		Morgan .....	64.17
	Pitt .....	82.96		Sioux .....	23.91		Morrow .....	125.07
	Polk .....	191.21		Slope .....	22.81		Muskingum .....	87.14
	Randolph .....	124.98		Stark .....	36.32		Noble .....	68.04
	Richmond .....	107.41		Steele .....	49.50		Ottawa .....	126.94
	Robeson .....	76.60		Stutsman .....	46.72		Paulding .....	129.47
	Rockingham .....	105.48		Towner .....	34.31		Perry .....	96.82
	Rowan .....	147.53		Traill .....	77.62		Pickaway .....	128.00

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
Oklahoma .....	Pike .....	84.84	Oregon .....	Major .....	29.70	Puerto Rico .... Rhode Island ..	Armstrong .....	75.72
	Portage .....	138.75		Marshall .....	44.26		Beaver .....	126.65
	Preble .....	140.39		Mayes .....	55.90		Bedford .....	97.25
	Putnam .....	134.31		Murray .....	36.68		Berks .....	233.31
	Richland .....	132.55		Muskogee .....	46.70		Blair .....	120.23
	Ross .....	96.35		Noble .....	37.71		Bradford .....	97.55
	Sandusky .....	125.77		Nowata .....	43.86		Bucks .....	323.42
	Scioto .....	75.12		Okfuskee .....	33.77		Butler .....	125.04
	Seneca .....	130.14		Oklahoma .....	82.00		Cambria .....	86.32
	Shelby .....	158.99		Okmulgee .....	47.66		Cameron .....	51.49
	Stark .....	147.27		Osage .....	27.92		Carbon .....	172.44
	Summit .....	225.73		Ottawa .....	61.03		Centre .....	142.65
	Trumbull .....	107.04		Pawnee .....	35.23		Chester .....	344.23
	Tuscarawas .....	102.33		Payne .....	50.04		Clarion .....	77.73
	Union .....	137.19		Pittsburg .....	36.02		Clearfield .....	69.76
	Van Wert .....	167.63		Pontotoc .....	46.54		Clinton .....	142.58
	Vinton .....	64.84		Pottawatomie .....	46.47		Columbia .....	123.59
	Warren .....	190.97		Pushmataha .....	30.10		Crawford .....	74.34
	Washington .....	71.48		Roger Mills .....	27.29		Cumberland .....	205.23
	Wayne .....	166.60		Rogers .....	65.19		Dauphin .....	119.60
	Williams .....	102.23		Seminole .....	37.34		Delaware .....	363.39
	Wood .....	155.48		Sequoyah .....	52.99		Elk .....	90.07
	Wyandot .....	134.31		Stephens .....	33.54		Erie .....	90.53
	Adair .....	52.36		Texas .....	21.17		Fayette .....	87.47
	Alfalfa .....	37.61		Tillman .....	26.56		Forest .....	63.41
	Atoka .....	36.95		Tulsa .....	96.19		Franklin .....	175.04
	Beaver .....	17.66		Wagoner .....	64.23		Fulton .....	95.83
	Beckham .....	29.24		Washington .....	44.26		Greene .....	79.21
	Blaine .....	31.49		Washita .....	31.72		Huntingdon .....	100.94
	Bryan .....	46.87		Woods .....	28.71		Indiana .....	73.71
	Caddo .....	35.39		Woodward .....	29.31		Jefferson .....	68.38
	Canadian .....	50.97		Baker .....	19.10		Juniata .....	132.71
	Carter .....	41.78		Benton .....	111.76		Lackawanna .....	128.89
	Cherokee .....	62.71		Clackamas .....	254.07		Lancaster .....	329.97
	Choctaw .....	38.93		Clatsop .....	104.51		Lawrence .....	108.11
	Cimarron .....	13.36		Columbia .....	103.47		Lebanon .....	278.19
	Cleveland .....	82.69		Coos .....	60.76		Lehigh .....	219.36
	Coal .....	33.34		Crook .....	17.12		Luzerne .....	118.22
	Comanche .....	36.55		Curry .....	64.19		Lycoming .....	112.33
	Cotton .....	29.80		Deschutes .....	132.16		McKean .....	54.32
	Craig .....	42.14		Douglas .....	58.09		Mercer .....	90.07
	Creek .....	47.30		Gilliam .....	9.37		Mifflin .....	129.25
	Custer .....	35.46		Grant .....	15.17		Monroe .....	207.01
	Delaware .....	61.36		Harney .....	10.31		Montgomery .....	370.07
	Dewey .....	26.79		Hood River .....	357.94		Montour .....	144.39
	Ellis .....	21.10		Jackson .....	88.21		Northampton .....	216.43
	Garfield .....	37.94		Jefferson .....	12.08		Northumberland .....	128.99
Garvin .....	41.81	Josephine .....	189.38	Perry .....	133.04			
Grady .....	42.60	Klamath .....	27.79	Philadelphia .....	1,194.06			
Grant .....	36.12	Lake .....	19.17	Pike .....	48.33			
Greer .....	22.66	Lane .....	128.55	Potter .....	72.39			
Harmon .....	25.20	Lincoln .....	90.33	Schuylkill .....	169.51			
Harper .....	20.14	Linn .....	91.18	Snyder .....	153.28			
Haskell .....	40.06	Malheur .....	22.11	Somerset .....	69.30			
Hughes .....	33.01	Marion .....	149.63	Sullivan .....	81.22			
Jackson .....	26.49	Morrow .....	17.92	Susquehanna .....	107.42			
Jefferson .....	26.76	Multnomah .....	224.70	Tioga .....	90.53			
Johnston .....	35.56	Polk .....	115.70	Union .....	141.99			
Kay .....	35.79	Sherman .....	11.23	Venango .....	81.45			
Kingfisher .....	36.05	Tillamook .....	117.91	Warren .....	61.79			
Kiowa .....	25.44	Umatilla .....	30.75	Washington .....	120.03			
Latimer .....	35.26	Union .....	29.15	Wayne .....	98.24			
Le Flore .....	52.53	Wallowa .....	23.78	Westmoreland .....	125.30			
Lincoln .....	45.61	Wasco .....	14.18	Wyoming .....	105.64			
Logan .....	49.85	Washington .....	176.55	York .....	198.78			
Love .....	45.78	Wheeler .....	12.20	All Areas .....	170.53			
McClain .....	54.05	Yamhill .....	172.61	Bristol .....	580.58			
McCurtain .....	46.11	Adams .....	164.15	Kent .....	195.88			
McIntosh .....	40.78	Allegheny .....	138.76	Newport .....	505.19			

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
South Carolina	Providence .....	329.72	Tennessee .....	Edmunds .....	58.53		Fentress .....	85.51
	Washington .....	269.54		Fall River .....	13.75		Franklin .....	103.91
	Abbeville .....	72.26		Faulk .....	51.92		Gibson .....	82.38
	Aiken .....	98.95		Grant .....	79.88		Giles .....	78.31
	Allendale .....	57.58		Gregory .....	32.60		Grainger .....	101.38
	Anderson .....	113.73		Haakon .....	16.05		Greene .....	108.04
	Bamberg .....	57.68		Hamlin .....	95.37		Grundy .....	76.35
	Barnwell .....	63.47		Hand .....	50.92		Hamblen .....	124.84
	Beaufort .....	88.08		Hanson .....	99.97		Hamilton .....	150.73
	Berkeley .....	92.90		Harding .....	11.21		Hancock .....	61.25
	Calhoun .....	72.75		Hughes .....	52.39		Hardeman .....	68.08
	Charleston .....	162.33		Hutchinson .....	87.76		Hardin .....	67.48
	Cherokee .....	78.97		Hyde .....	37.11		Hawkins .....	93.91
	Chester .....	73.43		Jackson .....	21.22		Haywood .....	96.18
	Chesterfield .....	71.32		Jerauld .....	52.52		Henderson .....	58.85
	Clarendon .....	47.91		Jones .....	19.42		Henry .....	74.08
	Colleton .....	70.24		Kingsbury .....	88.59		Hickman .....	63.82
	Darlington .....	64.19		Lake .....	108.95		Houston .....	60.49
	Dillon .....	67.77		Lawrence .....	37.87		Humphreys .....	75.82
	Dorchester .....	89.58		Lincoln .....	145.22		Jackson .....	77.15
	Edgefield .....	76.98		Lyman .....	26.76		Jefferson .....	143.97
	Fairfield .....	72.68		McCook .....	113.39		Johnson .....	127.00
	Florence .....	57.68		McPherson .....	40.84		Knox .....	204.48
	Georgetown .....	61.29		Marshall .....	59.66		Lake .....	87.75
	Greenville .....	169.19		Meade .....	17.99		Lauderdale .....	83.38
	Greenwood .....	62.69		Mellette .....	19.09		Lawrence .....	70.62
	Hampton .....	62.43		Miner .....	85.76		Lewis .....	69.38
	Horry .....	78.54		Minnehaha .....	137.38		Lincoln .....	89.88
	Jasper .....	70.76		Moody .....	135.98		Loudon .....	144.57
	Kershaw .....	79.62		Pennington .....	18.65		McMinn .....	109.24
	Lancaster .....	102.50		Perkins .....	14.35		McNairy .....	57.52
	Laurens .....	88.24		Potter .....	53.36		Macon .....	91.28
	Lee .....	58.98		Roberts .....	67.57		Madison .....	67.18
	Lexington .....	103.74		Sanborn .....	63.47		Marion .....	78.45
	McCormick .....	46.03		Shannon .....	12.28		Marshall .....	80.45
	Marion .....	60.61		Spink .....	79.45		Mauzy .....	97.28
	Marlboro .....	56.47		Stanley .....	24.49		Meigs .....	93.84
	Newberry .....	70.60		Sully .....	41.64		Monroe .....	120.17
	Oconee .....	138.21		Todd .....	13.65		Montgomery .....	114.91
	Orangeburg .....	65.82		Tripp .....	29.83		Moore .....	94.04
	Pickens .....	145.17		Turner .....	115.22		Morgan .....	91.38
	Richland .....	91.43		Union .....	133.81		Obion .....	84.95
	Saluda .....	74.28		Walworth .....	39.54		Overton .....	86.65
	Spartanburg .....	129.26		Yankton .....	110.58		Perry .....	52.82
	Sumter .....	60.41		Ziebach .....	12.68		Pickett .....	77.45
	Union .....	57.35		Anderson .....	156.13		Polk .....	119.17
	Williamsburg .....	54.33		Bedford .....	101.88		Putnam .....	115.41
York .....	131.01	Benton .....	59.75	Rhea .....	93.28			
South Dakota	Aurora .....	63.03	Bledsoe .....	93.48	Roane .....	135.57		
	Beadle .....	76.45	Blount .....	181.59	Robertson .....	129.80		
	Bennett .....	15.08	Bradley .....	145.00	Rutherford .....	130.04		
	Bon Homme .....	77.95	Campbell .....	99.61	Scott .....	75.28		
	Brookings .....	113.75	Cannon .....	82.58	Sequatchie .....	86.28		
	Brown .....	77.88	Carroll .....	65.32	Sevier .....	158.00		
	Brule .....	60.80	Carter .....	139.63	Shelby .....	122.27		
	Buffalo .....	31.57	Cheatham .....	113.84	Smith .....	70.85		
	Butte .....	16.52	Chester .....	51.39	Stewart .....	70.08		
	Campbell .....	34.04	Claiborne .....	81.75	Sullivan .....	147.33		
	Charles Mix .....	62.80	Clay .....	74.08	Sumner .....	129.67		
	Clark .....	67.64	Cocke .....	97.78	Tipton .....	79.11		
	Clay .....	118.06	Coffee .....	94.38	Trousdale .....	102.74		
	Codington .....	71.64	Crockett .....	75.62	Unicoi .....	146.93		
	Corson .....	17.45	Cumberland .....	101.51	Union .....	76.98		
	Custer .....	30.60	Davidson .....	165.86	Van Buren .....	99.21		
	Davison .....	90.56	Decatur .....	57.32	Warren .....	95.14		
	Day .....	51.02	DeKalb .....	85.55	Washington .....	171.09		
	Deuel .....	78.78	Dickson .....	88.75	Wayne .....	53.69		
	Dewey .....	15.28	Dyer .....	66.85	Weakley .....	79.35		
	Douglas .....	76.18	Fayette .....	83.75	White .....	100.41		

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr
Texas	Williamson	196.65
	Wilson	118.17
	Anderson	62.16
	Andrews	8.32
	Angelina	80.24
	Aransas	43.29
	Archer	25.00
	Armstrong	26.71
	Atascosa	49.77
	Austin	103.84
	Bailey	20.46
	Bandera	68.45
	Bastrop	94.97
	Baylor	26.40
	Bee	47.42
	Bell	77.82
	Bexar	108.79
	Blanco	120.13
	Borden	14.87
	Bosque	61.49
	Bowie	57.65
	Brazoria	77.15
	Brazos	95.83
	Brewster	11.91
	Briscoe	21.19
	Brooks	27.00
	Brown	52.00
	Burleson	72.99
	Burnet	84.46
	Caldwell	84.02
	Calhoun	44.60
	Callahan	38.37
	Cameron	74.65
	Camp	66.13
	Carson	23.38
	Cass	52.35
	Castro	27.89
	Chambers	50.73
	Cherokee	62.77
	Childress	19.53
	Clay	40.09
	Cochran	17.09
	Coke	26.55
	Coleman	38.43
	Collin	134.74
	Collingsworth	21.15
	Colorado	84.08
	Comal	133.34
Comanche	61.02	
Concho	40.21	
Cooke	83.03	
Coryell	61.81	
Cottle	15.72	
Crane	14.99	
Crockett	16.01	
Crosby	21.73	
Culberson	8.70	
Dallam	23.95	
Dallas	117.18	
Dawson	20.04	
Deaf Smith	25.13	
Delta	46.41	
Denton	155.29	
DeWitt	66.39	
Dickens	18.61	
Dimmit	39.61	
Donley	27.38	
Duval	33.16	
Eastland	50.50	

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr
	Ector	12.29
	Edwards	31.92
	Ellis	49.23
	El Paso	80.84
	Erath	81.70
	Falls	49.49
	Fannin	65.08
	Fayette	107.62
	Fisher	27.51
	Floyd	29.10
	Foard	18.77
	Fort Bend	104.06
	Franklin	72.90
	Freestone	53.36
	Frio	51.90
	Gaines	24.65
	Galveston	91.58
	Garza	17.63
	Gillespie	108.25
	Glasscock	22.74
	Goliad	52.54
	Gonzales	82.11
	Gray	22.55
	Grayson	95.48
	Gregg	98.63
	Grimes	98.21
	Guadalupe	91.35
	Hale	30.11
	Hall	19.60
	Hamilton	63.08
	Hansford	23.51
	Hardeman	22.23
	Hardin	78.58
	Harris	135.76
	Harrison	72.29
	Hartley	25.54
	Haskell	18.80
	Hays	157.55
	Hemphill	18.80
	Henderson	75.69
	Hidalgo	77.19
	Hill	57.24
	Hockley	26.36
	Hood	103.80
	Hopkins	56.25
	Houston	57.02
	Howard	19.28
	Hudspeth	14.29
Hunt	77.66	
Hutchinson	19.38	
Irion	23.85	
Jack	49.71	
Jackson	53.71	
Jasper	80.01	
Jeff Davis	12.20	
Jefferson	42.12	
Jim Hogg	33.92	
Jim Wells	46.44	
Johnson	103.61	
Jones	28.27	
Karnes	66.01	
Kaufman	86.37	
Kendall	121.66	
Kenedy	16.71	
Kent	21.69	
Kerr	66.93	
Kimble	45.04	
King	15.44	
Kinney	30.56	

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr
	Kleberg	47.87
	Knox	19.63
	Lamar	49.62
	Lamb	54.95
	Lampasas	29.41
	La Salle	63.81
	Lavaca	74.49
	Lee	81.28
	Leon	63.69
	Liberty	63.65
	Limestone	48.06
	Lipscomb	20.52
	Live Oak	48.69
	Llano	68.74
	Loving	5.05
	Lubbock	47.07
	Lynn	22.87
	McCulloch	47.07
	McLennan	65.85
	McMullen	35.70
	Madison	71.12
	Marion	56.51
	Martin	26.24
	Mason	60.16
	Matagorda	50.38
	Maverick	29.95
	Medina	66.01
	Menard	37.07
	Midland	36.40
	Milam	91.00
	Mills	56.48
	Mitchell	20.04
	Montague	63.53
	Montgomery	150.05
	Moore	23.85
	Morris	53.36
	Motley	18.74
	Nacogdoches	64.07
	Navarro	52.16
	Newton	50.92
	Nolan	28.56
	Nueces	39.36
	Ochiltree	25.44
	Oldham	14.99
	Orange	84.43
	Palo Pinto	61.18
	Panola	53.40
	Parker	127.37
Parmer	26.43	
Pecos	12.90	
Polk	69.44	
Potter	13.91	
Presidio	11.72	
Rains	64.10	
Randall	25.51	
Reagan	12.36	
Real	37.54	
Red River	42.25	
Reeves	6.83	
Refugio	23.19	
Roberts	16.71	
Robertson	60.83	
Rockwall	148.31	
Runnels	32.88	
Rusk	55.55	
Sabine	69.05	
San Augustine	58.70	
San Jacinto	72.04	
San Patricio	40.59	

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
	San Saba .....	61.94		Sevier .....	31.43		James City .....	94.16
	Schleicher .....	23.54		Summit .....	23.75		King and Queen .....	232.12
	Scurry .....	21.60		Tooele .....	12.43		King George .....	81.79
	Shackelford .....	27.76		Uintah .....	6.59		King William .....	133.25
	Shelby .....	74.39		Utah .....	55.51		Lancaster .....	98.86
	Sherman .....	27.38		Wasatch .....	39.75		Lee .....	121.24
	Smith .....	96.21		Washington .....	38.07		Loudoun .....	58.32
	Somervell .....	98.94		Wayne .....	42.04		Louisa .....	317.15
	Starr .....	44.98		Weber .....	60.62		Lunenburg .....	151.52
	Stephens .....	35.54	Vermont .....	Addison .....	79.90		Madison .....	63.02
	Sterling .....	13.40		Bennington .....	109.63		Mathews .....	167.25
	Stonewall .....	18.26		Caledonia .....	83.54		Mecklenburg .....	163.97
	Sutton .....	23.98		Chittenden .....	112.81		Middlesex .....	68.18
	Swisher .....	23.41		Essex .....	48.89		Montgomery .....	102.07
	Tarrant .....	161.07		Franklin .....	73.53		Nelson .....	129.15
	Taylor .....	28.78		Grand Isle .....	99.92		New Kent .....	121.30
	Terrell .....	9.88		Lamoille .....	95.68		Northampton .....	146.29
	Terry .....	28.94		Orange .....	81.31		Northumberland .....	114.35
	Throckmorton .....	30.46		Orleans .....	63.85		Nottoway .....	79.47
	Titus .....	65.43		Rutland .....	71.34		Orange .....	82.61
	Tom Green .....	28.97		Washington .....	105.33		Page .....	178.63
	Travis .....	97.52		Windham .....	104.94		Patrick .....	155.73
	Trinity .....	58.89		Windsor .....	99.62		Pittsylvania .....	88.34
	Tyler .....	74.30	Virginia .....	Accomack .....	97.04		Powhatan .....	64.34
	Upshur .....	72.74		Albemarle .....	231.85		Prince Edward .....	151.69
	Upton .....	14.93		Alleghany .....	82.28		Prince George .....	84.80
	Uvalde .....	50.79		Amelia .....	81.16		Prince William .....	111.28
	Val Verde .....	14.48		Amherst .....	96.55		Pulaski .....	233.74
	Van Zandt .....	81.09		Appomattox .....	75.40		Rappahannock .....	81.39
	Victoria .....	58.25		Arlington .....	1,423.59		Richmond .....	223.54
	Walker .....	84.59		Augusta .....	165.66		Roanoke .....	76.32
	Waller .....	158.69		Bath .....	110.32		Rockbridge .....	113.20
	Ward .....	9.40		Bedford .....	117.30		Rockingham .....	113.76
	Washington .....	141.00		Bland .....	85.39		Russell .....	186.81
	Webb .....	27.51		Botetourt .....	115.71		Scott .....	57.49
	Wharton .....	64.58		Brunswick .....	55.27		Shenandoah .....	54.98
	Wheeler .....	20.87		Buchanan .....	69.97		Smyth .....	147.75
	Wichita .....	30.30		Buckingham .....	81.49		Southampton .....	73.84
	Wilbarger .....	25.41		Campbell .....	79.04		Spotsylvania .....	70.63
	Willacy .....	46.44		Caroline .....	109.29		Stafford .....	162.31
	Williamson .....	98.72		Carroll .....	90.19		Surry .....	242.74
	Wilson .....	75.92		Charles City .....	99.46		Sussex .....	119.72
	Winkler .....	9.21		Charlotte .....	60.14		Tazewell .....	94.83
	Wise .....	96.94		Chesterfield .....	115.31		Warren .....	60.30
	Wood .....	72.49		Clarke .....	141.10		Washington .....	58.65
	Yoakum .....	20.55		Craig .....	208.65		Westmoreland .....	140.80
	Young .....	35.16		Culpeper .....	83.94		Wise .....	188.99
	Zapata .....	29.70		Cumberland .....	170.79		Wythe .....	104.23
	Zavala .....	39.01		Dickenson .....	94.99		York .....	94.69
Utah .....	Beaver .....	20.80		Dinwiddie .....	78.58		Chesapeake .....	72.98
	Box Elder .....	12.52		Essex .....	79.50		City .....	
	Cache .....	36.74		Fairfax .....	80.63		Suffolk .....	89.66
	Carbon .....	12.68		Fauquier .....	401.32		Virginia Beach .....	132.16
	Daggett .....	22.24		Floyd .....	210.11		City .....	
	Davis .....	67.51		Fluvanna .....	95.92	Washington ...	Adams .....	20.01
	Duchesne .....	8.67		Franklin .....	134.97		Asotin .....	13.84
	Emery .....	17.70		Frederick .....	93.83		Benton .....	44.50
	Garfield .....	23.67		Giles .....	156.29		Chelan .....	142.39
	Grand .....	6.03		Gloucester .....	69.97		Clallam .....	202.59
	Iron .....	19.64		Goochland .....	133.12		Clark .....	205.65
	Juab .....	12.49		Grayson .....	144.51		Columbia .....	17.49
	Kane .....	14.68		Greene .....	111.08		Cowlitz .....	141.29
	Millard .....	14.63		Greensville .....	182.17		Douglas .....	16.56
	Morgan .....	16.40		Halifax .....	53.72		Ferry .....	6.91
	Piute .....	30.52		Hanover .....	60.83		Franklin .....	47.58
	Rich .....	10.48		Henrico .....	147.39		Garfield .....	15.40
	Salt Lake .....	49.26		Henry .....	174.16		Grant .....	55.71
	San Juan .....	3.89		Highland .....	71.49		Grays Harbor ...	34.17
	Sanpete .....	22.41		Isle of Wight .....	89.50		Island .....	231.40

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

APPENDIX A TO PART 11—FEE  
SCHEDULE FOR FY 2016—Continued

State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr	State	County	Fee/ acre/ yr
West Virginia	Jefferson	148.50	Wisconsin	Taylor	66.17	Wyoming	Sheboygan	137.29
	King	348.37		Tucker	81.56		Taylor	57.32
	Kitsap	429.86		Tyler	48.97		Trempealeau	83.73
	Kittitas	71.86		Upshur	61.87		Vernon	86.45
	Klickitat	23.16		Wayne	50.13		Vilas	140.17
	Lewis	102.30		Webster	58.50		Walworth	160.63
	Lincoln	18.08		Wetzel	48.70		Washburn	65.01
	Mason	134.83		Wirt	43.80		Washington	152.74
	Okanogan	21.56		Wood	62.20		Waukesha	170.94
	Pacific	56.18		Wyoming	55.27		Waupaca	100.59
	Pend Oreille	49.64		Adams	101.57		Waushara	90.57
	Pierce	231.17		Ashland	48.22		Winnebago	110.08
	San Juan	215.00		Barron	73.29		Wood	82.42
	Skagit	123.29		Bayfield	53.19		Albany	9.42
	Skamania	165.24		Brown	142.07		Big Horn	25.57
	Snohomish	260.94		Buffalo	88.12		Campbell	9.69
	Spokane	46.22		Burnett	64.39		Carbon	9.42
	Stevens	25.56		Calumet	144.55		Converse	6.32
	Thurston	141.23		Chippewa	71.43		Crook	14.86
	Wahkiakum	76.27		Clark	81.87		Fremont	14.57
	Walla Walla	33.91		Columbia	132.05		Goshen	13.02
	Whatcom	187.80		Crawford	70.87		Hot Springs	11.70
	Whitman	22.72		Dane	158.63		Johnson	10.17
	Yakima	29.30		Dodge	140.23		Laramie	12.03
	Barbour	52.13		Door	106.58		Lincoln	30.13
	Berkeley	153.53		Douglas	45.50		Natrona	10.44
	Boone	46.30		Dunn	86.84		Niobrara	8.98
	Braxton	43.60		Eau Claire	78.63		Park	23.46
	Brooke	51.93		Florence	81.57		Platte	12.03
	Cabell	79.93		Fond du Lac	130.97		Sheridan	13.79
	Calhoun	40.57		Forest	53.91		Sublette	22.52
	Clay	49.93		Grant	109.00		Sweetwater	3.39
	Doddridge	50.20		Green	114.57		Teton	53.26
	Fayette	65.53		Green Lake	118.99		Uinta	12.31
	Gilmer	39.27		Iowa	104.52		Washakie	14.86
	Grant	63.40		Iron	60.43		Weston	7.83
	Greenbrier	75.66		Jackson	80.98			
	Hampshire	96.03		Jefferson	135.75			
	Hancock	78.20		Juneau	80.62			
	Hardy	75.66		Kenosha	131.92			
	Harrison	56.50		Kewaunee	113.95			
	Jackson	58.87		La Crosse	87.60			
Jefferson	183.26	Lafayette	128.19					
Kanawha	57.73	Langlade	72.51					
Lewis	52.50	Lincoln	64.71					
Lincoln	53.90	Manitowoc	138.24					
Logan	51.97	Marathon	76.37					
McDowell	63.97	Marinette	79.48					
Marion	57.47	Marquette	89.79					
Marshall	58.63	Menominee	33.65					
Mason	56.37	Milwaukee	247.70					
Mercer	59.27	Monroe	83.96					
Mineral	80.16	Oconto	85.70					
Mingo	37.80	Oneida	109.72					
Monongalia	82.40	Outagamie	138.04					
Monroe	60.87	Ozaukee	146.84					
Morgan	119.20	Pepin	86.06					
Nicholas	68.07	Pierce	103.64					
Ohio	61.67	Polk	74.67					
Pendleton	62.03	Portage	86.22					
Pleasants	51.53	Price	49.79					
Pocahontas	58.70	Racine	142.72					
Preston	65.80	Richland	78.86					
Putnam	68.17	Rock	144.62					
Raleigh	66.33	Rusk	53.32					
Randolph	48.40	St. Croix	110.65					
Ritchie	42.63	Sauk	101.64					
Roane	45.77	Sawyer	60.03					
Summers	58.60	Shawano	94.08					

<sup>1</sup> Pursuant to *Annual Charges for the Use of Government Lands*, Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶131,341 (2013) Commission-licensed projects occupying U.S. Federal lands in the Anchorage Area or Juneau Area will be charged at the Kenai Peninsula per-acre value.

[FR Doc. 2016-03809 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF THE TREASURY**

**Alcohol and Tobacco Tax and Trade Bureau**

**27 CFR Part 9**

[Docket No. TTB-2015-0007; T.D. TTB-133; Ref: Notice No. 151]

RIN 1513-AC17

**Establishment of the Lamorinda Viticultural Area**

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the



approximately 29,369-acre “Lamorinda” viticultural area in Contra Costa County, California. The viticultural area lies entirely within the larger San Francisco Bay viticultural area and the multicounty Central Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

**DATES:** This final rule is effective March 25, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Jesse Longbrake, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202-453-1039, ext. 066.

**SUPPLEMENTARY INFORMATION:**

**Background on Viticultural Areas**

*TTB Authority*

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120-01, dated December 10, 2013 (superseding Treasury Department Order 120-01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

*Definition*

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having

distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine’s geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

*Requirements*

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

**Lamorinda Petition**

TTB received a petition from Patrick L. Shabram, on behalf of the Lamorinda Wine Growers Association, proposing the establishment of the “Lamorinda” AVA. The proposed Lamorinda AVA is located in Contra Costa County, California, and contains the cities of Lafayette, Moraga, and Orinda. The proposed viticultural area lies in the northeast portion of the established San Francisco Bay AVA (27 CFR 9.157) and also within the larger, multicounty Central Coast AVA (27 CFR 9.75).

The proposed AVA covers approximately 29,369 acres and has 46 commercially-producing vineyards that cover approximately 139 acres. The petition states that the individual vineyards are small, each covering less than 5 acres, due to the hilly terrain and the largely suburban nature of the region. However, three much larger commercial vineyards covering a total of 130 acres are either in the early development or public review stages. There are also six bonded wineries currently within the proposed AVA.

According to the petition, the distinguishing features of the proposed Lamorinda AVA are its topography, geology, soils, and climate. The terrain of the proposed AVA is composed of moderate-to-steep hills with narrow valleys. The steep hillsides prevent the use of machinery for vineyard work within the proposed AVA, requiring instead that the work be done by hand. The proposed AVA is suitable for both cool- and warm-climate varieties because the hilly terrain results in disparate levels of sunlight at different elevations. The terrain of the proposed AVA contrasts with the steeper, more rugged terrain to the south and west and the lower, flatter plains to the north and east. Additionally, the proposed Lamorinda AVA is characterized by a distinct suburban land use pattern which tends to provide property owners with enough room to plant vineyards large enough for commercial viticulture. This contrasts with the more urban and densely populated areas to the east and west.

The dominant geological formation of the proposed Lamorinda AVA is the Orinda Formation, while the Briones and Mulholland Formations are also present. These underlying geological formations affect viticulture in the proposed AVA due to their role in forming the soils of the region. Other geographic formations dominate the surrounding area.

The soils of the proposed AVA have high levels of clay attributable to the weathering of the clay-rich Orinda Formation. Typically, clay-rich soils have high water-holding capacities, but within the proposed AVA the thinness of the soils, steepness of terrain, and presence of sand in the soils allow rapid runoff of excess water. These features reduce the risk of vineyard diseases and rot normally associated with soils with high water-holding capacities. In contrast to the clay-rich soils of the proposed AVA, the soils to the west, south, and southeast are characterized by sedimentary and volcanic materials; soils to the north are typically fine-grained bay mud; and soils to the east

are characterized by deeper, coarser alluvial deposits.

Finally, the proposed Lamorinda AVA generally has a warmer climate than the surrounding areas to the north, south, and west. The high ridgelines present to the north and west of the proposed AVA limit the amount of cool marine air and fog that enters the region from San Francisco Bay, San Pablo Bay, and Suisun Bay, resulting in higher growing degree day (GDD)<sup>1</sup> accumulations within the region. This allows vineyards in the proposed AVA to support slower-maturing varieties of grapes which require longer growing seasons. The regions to the north, south, and west are more exposed to marine air and fog and have lower GDD accumulations than the proposed AVA. The area due east and further inland from the proposed AVA receives less marine air and fog, and experiences higher GDD accumulations than the proposed AVA.

#### **Notice of Proposed Rulemaking and Comments Received**

TTB published Notice No. 151 in the **Federal Register** on April 14, 2015 (80 FR 19895), proposing to establish the Lamorinda AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 151.

In Notice No. 151, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Lamorinda AVA's location within the existing San Francisco Bay AVA and the larger, multicounty Central Coast AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing San Francisco Bay AVA and the larger, multicounty Central Coast AVA. Finally, TTB requested comments on

whether the geographic features of the proposed AVA are so distinguishable from the surrounding San Francisco Bay AVA and the larger, multicounty Central Coast AVA that the proposed Lamorinda AVA should no longer be part of the established AVAs. The comment period closed June 15, 2015.

#### **Comments Received**

In response to Notice No. 151, TTB received a total of 12 comments. Commenters were primarily local residents and members of the wine industry from the Lamorinda region, including vineyard owners, winemakers, and a retail wine shop proprietor. Commenters also included wine industry members from outside of the Lamorinda region who work with Lamorinda-based industry members in various capacities. All of the comments generally supported the establishment of the proposed AVA due to the unique microclimates, soils, and geology of the Lamorinda region. Comments also emphasized the strong sense of community identity and commitment to local wines in Lamorinda, and suggested that the establishment of the Lamorinda AVA will help Lamorinda consumers to identify and buy local wines. Further, some comments noted that because the San Francisco Bay and Central Coast AVAs are so large and diverse, they do not necessarily reflect the specific characteristics of Lamorinda grapes and wines, and as a result, establishing the Lamorinda AVA will help wine industry members in the region differentiate themselves from others within the larger AVAs.

The comments did not raise any new issues concerning the proposed Lamorinda AVA, and TTB received no comments opposing its establishment. TTB received one comment (comment 3) in response to its question of whether the proposed Lamorinda AVA is so distinguishable from the established San Francisco Bay AVA and the Central Coast AVA that the proposed AVA should not be part of the established AVAs. While the commenter noted his belief that the proposed AVA's combination of climate, soil, and topography is different from most, if not all, other winegrowing areas in the San Francisco Bay and Central Coast AVAs, the commenter supported finalizing the rulemaking as proposed in the interest of the expedient establishment of a Lamorinda AVA.

#### **TTB Determination**

After careful review of the petition and the comments received in response to Notice No. 151, TTB finds that the evidence provided by the petitioner

supports the establishment of the Lamorinda AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the "Lamorinda" AVA in Contra Costa County, California, effective 30 days from the publication date of this document.

TTB has also determined that the Lamorinda AVA will remain part of the established San Francisco Bay AVA and the larger, multicounty Central Coast AVA. As discussed in Notice No. 151, both the San Francisco Bay AVA and the Lamorinda AVA are characterized by climates heavily influenced by marine air and fog from San Francisco Bay and the Pacific Ocean. However, as compared to other portions of the San Francisco Bay AVA, the Lamorinda AVA is more isolated from cool marine air due to the higher surrounding elevations and is also less affected by the heavy diurnal fog that characterizes the more coastal portions of the San Francisco Bay AVA.

Further, as discussed in Notice No. 151, the large, 1 million-acre Central Coast AVA is only distinguished by the fact that all of its included counties experience marine climate influence due to their proximity to the Pacific Ocean. The Lamorinda AVA is located within the Central Coast AVA and, like the larger AVA, experiences mild marine breezes and nocturnal marine fog. However, due to its much smaller size, the proposed AVA has greater uniformity in geographical features such as topography, temperature, and soils, than the larger, multicounty Central Coast AVA.

#### **Boundary Description**

See the narrative description of the boundary of the Lamorinda AVA in the regulatory text published at the end of this final rule.

#### **Maps**

The petitioner provided the required maps, and they are listed below in the regulatory text.

#### **Impact on Current Wine Labels**

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for

<sup>1</sup> In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual GDDs, defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64.

labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label.

Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of this AVA, its name, "Lamorinda," will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the name "Lamorinda" in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the Lamorinda AVA will not affect any existing AVA, and any bottlers using "San Francisco Bay" or "Central Coast" as an appellation of origin or in a brand name for wines made from grapes grown within the San Francisco Bay AVA or the Central Coast AVA, respectively, will not be affected by the establishment of this new AVA. The establishment of the Lamorinda AVA will allow vintners to use "Lamorinda", "San Francisco Bay", and "Central Coast" as appellations of origin for wines made primarily from grapes grown within the Lamorinda AVA if the wines meet the eligibility requirements for the appellation.

#### Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

#### Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

#### Drafting Information

Jesse Longbrake of the Regulations and Rulings Division drafted this final rule.

#### List of Subjects in 27 CFR Part 9

Wine.

#### The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

- 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

#### Subpart C—Approved American Viticultural Areas

- 2. Subpart C is amended by adding § 9.254 to read as follows:

##### § 9.254 Lamorinda.

(a) *Name*. The name of the viticultural area described in this section is "Lamorinda". For purposes of part 4 of this chapter, "Lamorinda" is a term of viticultural significance.

(b) *Approved maps*. The four United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Lamorinda viticultural area are titled:

- (1) Walnut Creek, CA, 1995;
- (2) Las Trampas Ridge, CA, 1995;
- (3) Oakland East, CA, 1997; and
- (4) Briones Valley, CA, 1995.

(c) *Boundary*. The Lamorinda viticultural area is located in Contra Costa County, California. The boundary of the Lamorinda viticultural area is as described below:

(1) The beginning point is on Walnut Creek map at the water tank (known locally as the Withers Reservoir) at the end of an unnamed light-duty road known locally as Kim Road, in the Cañada del Hambre y Las Bolsas Land Grant.

(2) From the beginning point, proceed south-southeast in a straight line approximately 0.8 mile to the 833-foot peak marked "Hump 2;" then

(3) Proceed southeast in a straight line approximately 1.7 miles to the marked 781-foot peak south of the shared Lafayette-Walnut Creek corporate boundary line and north of an unnamed light-duty road known locally as Peaceful Lane; then

(4) Proceed southeast in a straight line approximately 0.3 mile to the marked 610-foot peak southwest of an unnamed light-duty road known locally as Secluded Place; then

(5) Proceed south-southwest in a straight line approximately 1.7 miles to an unidentified benchmark at the end of an unnamed unimproved road known locally as Diablo Oaks Way in section 33, T1N/R2W; then

(6) Proceed southeast in a straight line approximately 0.5 mile, crossing onto the Las Trampas map, and continuing another 0.9 mile to the substation at the southeast corner of section 4, T1S/R2W; then

(7) Proceed southeast in a straight line approximately 2.3 miles to the 1,827-foot summit of Las Trampas Peak, section 22, T1S/R2W; then

(8) Proceed south-southeast in a straight line approximately 2.1 miles to the 2,024-foot benchmark marked "Rock 2" in section 26, T1S/R2W; then

(9) Proceed west-southwest in a straight line approximately 2.7 miles to the marked 1,057-foot peak in section 29, T1S/R2W; then

(10) Proceed west-southwest in a straight line approximately 2 miles to the intersection of the 1,000-foot elevation line with the Contra Costa-Alameda County line in section 31, T1S/R2W; then

(11) Proceed northwest in a straight line approximately 0.4 mile, crossing onto the Oakland East map, then continuing another 0.1 mile to the 1,121-foot peak in section 30, T1S/R2W; then

(12) Proceed northwest in a straight line approximately 3.6 miles to the 1,301-foot peak in section 15, T1S/R3W; then

(13) Proceed northwest in a straight line approximately 1.6 miles to the 1,634-foot peak in section 9, T1S/R3W; then

(14) Proceed northwest in a straight line approximately 2.2 miles to the communication tower on the Contra Costa-Alameda County line in section 5, T1S/R3W; then

(15) Proceed north in a straight line approximately 0.1 mile, crossing onto the Briones Valley map, then continuing another 0.6 mile to the 1,905-foot summit of Vollmer Peak in the El Sobrante Land Grant; then

(16) Proceed north-northeast in a straight line approximately 3 miles, crossing over to the 1,027-foot peak in the Boca de la Cañada del Pinole Land Grant, to the Orinda corporate boundary line; then

(17) Proceed generally east along the Orinda corporate boundary line approximately 3.3 miles to the water tank at the 1,142-foot elevation in the Boca de la Cañada del Pinole Land Grant; then

(18) Proceed east-northeast in a straight line approximately 1.2 miles to

the 1,357-foot benchmark marked "Russell" in the Boca de la Cañada del Pinole Land Grant; then

(19) Proceed northwest in a straight line approximately 0.8 mile to the 1,405-foot peak in the Boca de la Cañada del Pinole Land Grant; then

(20) Proceed east-northeast in a straight line approximately 0.5 mile, crossing onto the Walnut Creek map, then continuing another 1.1 miles to the beginning point.

Signed: January 11, 2016.

**John J. Manfreda,**  
Administrator.

Approved: January 22, 2016.

**Timothy E. Skud,**  
Deputy Assistant Secretary, (Tax, Trade, and  
Tariff Policy).

[FR Doc. 2016-03860 Filed 2-23-16; 8:45 am]

BILLING CODE 4810-31-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0130]

#### Drawbridge Operation Regulation; Atchafalaya River, Morgan City, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Morgan City Railroad Bridge across the Atchafalaya River (also known as Berwick Bay), mile 17.5 [Gulf Intracoastal Waterway (Morgan City-Port Allen Alternate Route), mile 0.3] in Morgan City, St. Mary Parish, Louisiana. This deviation is necessary to perform maintenance needed for the operation of the bridge. This deviation allows for the bridge to remain closed-to-navigation for eight-consecutive hours in the morning and five-consecutive hours in the evening with an opening in the middle to pass vessels for a five-day period.

**DATES:** This deviation is effective from 11 a.m. on March 2 through 9 p.m. on March 6, 2016.

**ADDRESSES:** The docket for this deviation, [USCG-2016-0130] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary

deviation, call or email Donna Gagliano, Bridge Administration Branch, Coast Guard, telephone (504) 671-2128, email [Donna.Gagliano@uscg.mil](mailto:Donna.Gagliano@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The BNSF Railway requested a temporary deviation from the operating schedule of the Morgan City Railroad Bridge. These repairs are necessary for the operation of the bridge. This deviation is to install new Conley joints on the four bases on the east and west ends of the bridges and transition rails on the east and west side of the bridge's north and south sides. The draw currently operates under 33 CFR 117.5.

For the purposes of this deviation, the bridge will not be required to open from 6 a.m. to 2 p.m. each day. From 2 p.m. until 4 p.m., the bridge will be opened for the passage of vessels. The bridge will again be closed-to-navigation from 4 p.m. to 9 p.m. From 9 p.m. until 6 a.m. the bridge will be maintained in the open position. The closure will begin at 11 a.m. on Wednesday, March 2, 2016 and continue through 9 p.m. on March 6, 2016.

The vertical clearance of the bridge is 4 feet above mean high water, elevation 8.2 feet NGVD in the closed-to-navigation position and 73 feet above mean high water in open-to-navigation position. Navigation on the waterway consists of tugs with tows, oil industry related work and crew boats, commercial fishing vessels and some recreational crafts.

Vessels able to pass the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and the Morgan City-Port Allen Landside route through Amelia, LA can be used as an alternate route. The Coast Guard will also inform the users of the waterways through our Local Notice to Mariners and Broadcast Notices to Mariners of the change in operating schedule for the bridge, so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35, the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 19, 2016.

**David M. Frank,**

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2016-03895 Filed 2-23-16; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 49

[EPA-HQ-OAR-2014-0606; FRL-9942-64-OAR]

RIN 2060-AS27

#### Review of New Sources and Modifications in Indian Country: Extension of Permitting and Registration Deadlines for True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is issuing three final amendments to the "Federal Minor New Source Review (NSR) Program in Indian Country" (we refer to this rule as the "Federal Indian Country Minor NSR rule"). We are amending the Federal Indian Country Minor NSR rule to extend the NSR minor source permitting deadline for true minor sources in the oil and natural gas sector from March 2, 2016, to October 3, 2016. We are also finalizing two amendments to conform the minor source registration deadline to the permitting deadline change.

**DATES:** The final rule is effective on February 24, 2016.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2014-0606. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact Mr. Christopher Stoneman, Outreach and Information Division, Office of Air Quality Planning and Standards (C304-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-0823; fax number (919) 541-0072; email address: [stoneman.chris@epa.gov](mailto:stoneman.chris@epa.gov). For questions about the applicability of this action to a particular source, please contact the appropriate EPA Regional contact for your state:

- EPA Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, and

Wisconsin)—Ms. Genevieve Damico, Air Permits Section, Environmental Protection Agency, Region 5, Mail Code AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone (312) 353-4761; fax (312) 385-5501; email address: [damico.genevieve@epa.gov](mailto:damico.genevieve@epa.gov).

- EPA Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)—Ms. Bonnie Braganza, Air Permits Section, Multimedia Permitting and Planning Division, Environmental Protection Agency Region 6, Mail Code 6MM, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202; telephone number (214) 665-7340; fax number (214) 665-6762; email address: [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).
- EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming)—Ms. Claudia Smith, Air

Program, Environmental Protection Agency Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202; telephone number (303) 312-6520; fax number (303) 312-6520; email address: [smith.claudia@epa.gov](mailto:smith.claudia@epa.gov).

- EPA Region 9 (Arizona, California, Hawaii, Nevada, and Pacific Islands)—Ms. Lisa Beckham, Permits Office, Air Division, Environmental Protection Agency Region 9, AIR-3, 75 Hawthorn Street, San Francisco, California 94105; telephone number (415) 972-3811; fax number (415) 947-3579; email address: [beckham.lisa@epa.gov](mailto:beckham.lisa@epa.gov).
- All other EPA Regions—Contact the permit reviewer for minor sources in Indian country for your EPA Region. You can find the list of the EPA permit reviewers at: <http://www.epa.gov/air/tribal/tribalnsr.html>. Scroll down to the

heading, “Existing Source Registration,” and click on “Reviewing Authority” to access “Environmental Protection Agency’s Reviewing Authorities for Permits.”

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

Entities potentially affected by this final rule include owners and operators of true minor emission sources in all industry groups planning to locate or already located in Indian country. Categories and entities potentially affected by this action are expected to include, but are not limited to, the following:

TABLE 1—SOURCE CATEGORIES AFFECTED BY THIS ACTION

Industry category	NAICS Code <sup>a</sup>	Examples of regulated entities/description of industry category
Oil and Gas Production/ Operations.	21111	Exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property. Production of crude petroleum, the mining and extraction of oil from oil shale and oil sands, the production of natural gas, sulfur recovery from natural gas, and the recovery of hydrocarbon liquids from oil and gas field gases.
Crude Petroleum and Natural Gas Extraction.	211111	Exploration, development and/or the production of petroleum or natural gas from wells in which the hydrocarbons will initially flow or can be produced using normal pumping techniques or production of crude petroleum from surface shales or tar sands or from reservoirs in which the hydrocarbons are semisolids.
Natural Gas Liquid Extraction.	211112	Recovery of liquid hydrocarbons from oil and gas field gases; and sulfur recovery from natural gas.
Drilling Oil and Gas Wells.	213111	Drilling oil and gas wells for others on a contract or fee basis, including spudding in, drilling in, re-drilling, and directional drilling.
Support Activities for Oil and Gas Operations.	213112	Performing support activities on a contract or fee basis for oil and gas operations (except site preparation and related construction activities) such as exploration (except geophysical surveying and mapping); excavating slush pits and cellars, well surveying; running, cutting, and pulling casings, tubes, and rods; cementing wells, shooting wells; perforating well casings; acidizing and chemically treating wells; and cleaning out, bailing, and swabbing wells.
Engines (Spark Ignition and Compression Ignition) for Electric Power Generation.	2211**	Provision of electric power to support oil and natural gas production where access to the electric grid is unavailable.

<sup>a</sup>North American Industry Classification System.

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. To determine whether your facility could be affected by this action, you should examine the applicability criteria in the final Federal Minor NSR Program in Indian Country (40 Code of Federal Regulations (CFR) 49.153), as well as the proposed Federal Implementation Plan (FIP) applicability in 40 CFR 49.101.<sup>1</sup> If

you have any questions regarding the applicability of this action to a particular entity, contact the appropriate person listed in the **FOR FURTHER INFORMATION CONTACT** section.

*B. Where can I get a copy of this document and other related information?*

In addition to being available in the docket, an electronic copy of this final rule will also be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this final rule will be posted in the regulations

and standards section of our NSR home page located at <http://www.epa.gov/nsr> and on the tribal NSR page at <http://www.epa.gov/air/tribal/tribalnsr.html>.

**II. Background**

In July 2011, the EPA finalized a rule that includes a minor NSR permitting program for sources in Indian country and a major source NSR permitting program for sources in nonattainment areas of Indian country. The minor source part of the permitting program is officially titled the “Federal Minor Source New Source Review Program in Indian Country,” but we generally refer to it as the “Federal Indian Country

<sup>1</sup> “Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country,” 80 FR 56554, September 18, 2015, <http://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

Minor NSR rule.”<sup>2</sup> We call a permit issued under this program a minor NSR permit. Under the rule issued in 2011, new and modified minor sources and major sources that make minor modifications, located in reservation areas of Indian country and other areas of Indian country for which tribal jurisdiction has been demonstrated, were required to obtain a permit prior to beginning construction (a pre-construction permit) beginning on September 2, 2014. On June 16, 2014, we extended the NSR minor source permitting deadline for true minor sources in the oil and natural gas sector from September 2, 2014, to March 2, 2016.<sup>3</sup>

Pursuant to section 553(d)(3) of the Administrative Procedure Act, the EPA finds that there is good cause to make this final rule effective upon publication in the **Federal Register**. At present, beginning March 2, 2016, new and modified true minor oil and natural gas sources subject to the Federal Minor New Source Review Program in Indian Country must obtain a permit prior to commencing construction. On September 18, 2015, the EPA proposed a FIP that would, among other matters, serve to satisfy this requirement.<sup>4</sup> The EPA believes that the extension of the March 2, 2016, deadline in today's final rule is necessary to avoid imposing an unnecessary regulatory burden on these sources pending the EPA taking final action on the proposed FIP. In the absence of the extension, new and modified true minor sources in the oil and natural gas sector would need to obtain source-specific permits, thereby incurring a significant and potentially unnecessary burden. In order to avoid this circumstance, given the immediacy of the March 2, 2016 deadline, the EPA is making today's final rule effective upon publication in the **Federal Register**.

<sup>2</sup>The Federal Indian Country Minor NSR rule is a component of “Review of New Sources and Modifications in Indian Country, Final Rule” 76 FR 38747 (July 1, 2011) that applies to new and modified minor sources and minor modifications at major sources. It is codified at 40 CFR 49.151–49.161.

<sup>3</sup>“Review of New Sources and Modifications in Indian Country Amendments to the Registration and Permitting Deadlines for True Minor Sources,” U.S. Environmental Protection Agency, 79 FR 34231, June 16, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-06-16/pdf/2014-14030.pdf>.

<sup>4</sup>“Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country,” 80 FR 56554, September 18, 2015, <http://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

### III. Purpose

On September 18, 2015, the EPA published a notice of proposed rulemaking<sup>5</sup> that included several amendments to the Federal Indian Country Minor NSR rule. In this action, we are finalizing only three of those amendments. We are finalizing the amendment to extend the permitting compliance deadline for true minor sources in the oil and natural gas sector operating or proposing to operate in reservation areas of Indian country and other areas of Indian country for which tribal jurisdiction has been demonstrated. We are also conforming the registration provisions to this extension with two additional amendments. We will address the other proposed changes to the Federal Indian Country Minor NSR rule, as well as the proposed FIP, in a separate final rulemaking. Today's changes are necessary to avoid the potentially unnecessary burden of sources in the oil and natural gas sector needing to obtain source-specific permits while we complete action on the proposed FIP. The changes will provide a level of certainty to the regulated industry, tribes and other parties pending completion of action on the proposed FIP.

### IV. What final action is the EPA taking on amendments to the Federal Indian Country Minor NSR rule?

Today's final rule promulgates three amendments to the Federal Indian Country Minor NSR rule. We proposed other regulatory changes in our September 18, 2015, proposal, but are taking final action on only these three amendments.

First, we are revising the deadline under § 49.151(c)(1)(iii)(B) by which new and modified true minor sources in the oil and natural gas sector that are located in (or planning to locate in) reservation areas of Indian country or other areas of Indian country for which tribal jurisdiction has been demonstrated must obtain a minor NSR permit prior to beginning construction. We are extending the deadline from March 2, 2016, to October 3, 2016, for all true minor sources (both new and modified true minor sources and minor modifications at existing major sources)

<sup>5</sup>“Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country,” 80 FR 56554, September 18, 2015, <http://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-21025.pdf>.

within the oil and natural gas sector located in Indian country.<sup>6</sup>

Second, we are revising § 49.151(c)(1)(iii)(A) to conform the registration deadline to the extended permitting deadline in § 49.151(c)(1)(iii)(B).

Finally, we are revising § 49.160(c)(1)(ii) to conform the registration deadline to the extended permitting deadline in § 49.151(c)(1)(iii)(B).

### V. Summary of Significant Comments and Responses

We received comments from three industry commenters on the permitting deadline extension (and associated registration requirements) in the September 18, 2015, proposed rule. The discussion below provides a summary of the comments, and our responses to those comments, that relate to the changes discussed in Section IV above and that we are addressing in today's final rule. The remaining comments on the September 18, 2015, proposed rule will be addressed in a separate final rulemaking.

Two commenters supported the extension, while the third commenter was concerned that the extension would not provide adequate time to obtain required permits for affected facilities needing site-specific permits. The commenter maintained that turnaround times for site-specific permits typically extend beyond one year, which is a timeframe that would make it impossible to meet the October 3, 2016, deadline. The commenter recommended that an extension of 18 months would be the minimum needed to provide a reasonable assurance that all permits will be issued before the deadline.

The EPA is establishing October 3, 2016, as the revised permitting and registration deadline, and we do not believe that an extension beyond that date is necessary. The commenter has not provided any compelling information to indicate that a further extension is needed. Sources have been able to submit an application for a source-specific permit since the effective date of the Federal Indian Country Minor NSR rule. Therefore, in determining the length of the extension, we have not regarded as paramount whether the extension provides sufficient time to obtain a site-specific

<sup>6</sup>Typically, sources in the oil and natural gas sources sector will be assigned to one of the following NAICS codes: 21111 Oil and gas production/operations; 211111 Crude petroleum and natural gas extraction; 211112 Natural gas liquid extraction; 213111 Drilling oil and gas wells; 213112 Support activities for oil and gas operations; and 221210 Natural gas distribution.

permit. If a site-specific application is still in process after October 3, 2016, nothing in the FIP that EPA proposed on September 18, 2015, would prevent such permit applications from proceeding past the extended date.

The proposed FIP would apply to new true minor sources and minor modifications at existing true minor sources in the production segment of the oil and natural gas sector that are locating in or expanding on Indian reservations or in other areas of Indian country over which tribal jurisdiction has been demonstrated. The FIP, if finalized as proposed, would satisfy the minor source permitting requirement under the Federal Indian Country Minor NSR rule. The FIP proposes to require compliance with emission limitations and other requirements from certain federal emission standards as written at the time of construction or modification for a range of equipment and processes present at oil and natural gas production facilities. If the EPA finalizes the FIP before October 3, 2016, then we would have in place by October 3, 2016, a streamlined permitting option in the form of a FIP for new and modified oil and natural gas minor sources that want to construct or modify in Indian country.

## VI. Statutory and Executive Order Reviews

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

### B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060-0003. This action merely extends the deadline for when true minor sources in the oil and natural gas sector locating or located in areas covered by the Federal Minor New Source Review Program in Indian Country must obtain a site-specific minor source permit prior to commencing construction and register. It does not contain any new information collection activities.

### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this

determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The EPA analyzed the impact of streamlined permitting on small entities in promulgating the Federal Minor Source New Source Review Program in Indian Country (76 FR 38748, July 1, 2011). The EPA determined that that action would not have a significant economic impact on a substantial number of small entities. This action merely implements a particular aspect of the Federal Minor Source New Source Review Program in Indian Country. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. It simply provides an extension for sources to comply with the Federal Minor Source New Source Review Program in Indian Country. The Federal Minor Source New Source Review Program in Indian Country (and not this action) imposes the obligation that true minor sources in areas covered by the rule obtain a minor source NSR permit. This action merely extends the deadline for meeting that obligation.

### E. Executive Order 13132: Federalism

This action does not have federalism implications. It would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA conducted outreach on the September 18, 2015, proposed rule via on-going monthly meetings with tribal environmental professionals. The EPA

offered consultation on the Advance Notice of Proposed Rulemaking that preceded the proposal to elected tribal officials and the following tribes requested a consultation, which was held on July 18, 2014, with the tribes and/or their representatives: MHA (Mandan, Hidatsa and Arikara) Nations (Three Affiliated Tribes), Ute Tribe of the Uintah and Ouray Reservation, and Crow Nation.<sup>7</sup>

At the consultation, the tribes present expressed three main concerns regarding federal regulation of oil and natural gas activity in Indian country. First, the tribes noted that many areas of Indian country are facing difficult economic circumstances and are in need of economic development to improve the quality of life of tribal members; revenue from oil and natural gas activity in many areas provides that economic development. Second, they stated that oil and natural gas activity in Indian country is already regulated by other federal government agencies and that the EPA does not need to add to the burden. The tribes expressed a desire to manage their own resources without undue interference from the federal government. Third, the tribes expressed a need for additional resources so that they can implement their own environmental programs in their lands.

We will continue to provide outreach to tribal environmental professionals and offer to consult with tribal leadership as we further finalize the September 18, 2015, proposed action.

### G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

### I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

<sup>7</sup> “Managing Air Emissions from Oil and Natural Gas Production in Indian Country,” 79 FR 32502, June 5, 2014, <https://www.gpo.gov/fdsys/pkg/FR-2014-06-05/pdf/2014-12951.pdf>.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. This action implements certain aspects of the Federal Minor Source New Source Review Program in Indian Country.

Our primary goal in developing this program is to ensure that air resources in areas covered by the Federal Minor Source New Source Review Program in Indian Country will be protected in the manner intended by the Clean Air Act (CAA). This action will help facilitate implementation of the Federal Minor Source New Source Review Program in Indian Country and provide the EPA sufficient time to take final action on a proposed FIP with a comprehensive set of control requirements for new and modified true minor sources in the production segment of the oil and natural gas sector. Through the proposed FIP, we seek to establish a mechanism that provides an effective and efficient method for implementing a preconstruction permitting program for true minor sources in areas covered by the Federal Minor Source New Source Review Program in Indian Country, helping promote economic development by minimizing delays in new construction, and providing a process comparable to those programs operated outside of Indian county.

*K. Congressional Review Act (CRA)*

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. The EPA will submit a report containing this rule 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). This rule will be effective upon date of publication, *i.e.*, on February 24, 2016.

*L. 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 District of Columbia Circuit by April 25, 2016. Any such judicial review is limited to only those objections that are raised with reasonable specificity in timely comments. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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. Under section 307(b)(2) of the CAA, the requirements of this final action may not be challenged later in civil or criminal proceedings brought by us to enforce these requirements.

**List of Subjects in 40 CFR Part 49**

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 12, 2016.

**Gina McCarthy**,  
*Administrator.*

For the reasons set forth in the preamble, EPA is amending 40 CFR part 49 as follows:

**PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT**

■ 1. The authority citation for part 49 continues to read as follows:

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

■ 2. Section 49.151 is amended by revising paragraphs (c)(1)(iii)(A) and (B) to read as follows:

**§ 49.151 Program overview.**

\* \* \* \* \*

- (c) \* \* \*
- (1) \* \* \*
- (iii) \* \* \*

(A) If you own or operate an existing true minor source in Indian country (as defined in § 49.152(d)), you must register your source with the reviewing authority in your area by March 1, 2013. If your true minor source is not an oil and natural gas source, and you commence construction after August 30, 2011, and before September 2, 2014, you must also register your source with the reviewing authority in your area within 90 days after the source begins operation. If your true minor source is an oil and natural gas source, and you commence construction after August 30,

2011, and before October 3, 2016, you must register your source with the reviewing authority in your area within 90 days after the source begins operation. You are exempt from these registration requirements if your true minor source is subject to § 49.138.

(B) If your true minor source is not an oil and natural gas source and you wish to begin construction of a new true minor source or a modification at an existing true minor source on or after September 2, 2014, you must first obtain a permit pursuant to §§ 49.154 and 49.155 (or a general permit/permit by rule pursuant to § 49.156, if applicable). If your true minor source is an oil and natural gas source and you wish to begin construction of a new true minor source or a modification at an existing true minor source on or after October 3, 2016, you must first obtain a permit pursuant to §§ 49.154 and 49.155 (or a general permit/permit by rule pursuant to § 49.156, if applicable). The proposed new source or modification will also be subject to the registration requirements of § 49.160, except for sources that are subject to § 49.138.

\* \* \* \* \*

■ 3. Section 49.160 is amended by revising paragraph (c)(1)(ii) to read as follows:

**§ 49.160 Registration program for minor sources in Indian country.**

\* \* \* \* \*

- (c) \* \* \*
- (1) \* \* \*

(ii) If your true minor source is not an oil and natural gas source and you commence construction after August 30, 2011, and before September 2, 2014, you must register your source with the reviewing authority within 90 days after the source begins operation. If your true minor source is an oil and natural gas source, and you commence construction after August 30, 2011, and before October 3, 2016, you must register your source with the reviewing authority within 90 days after the source begins operation.

\* \* \* \* \*

[FR Doc. 2016-03623 Filed 2-23-16; 8:45 am]

**BILLING CODE 6560-50-P**



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 81**

[EPA-R04-OAR-2013-0084; FRL-9942-61-Region 4]

**Air Plan Approval and Air Quality Designation; GA; Redesignation of the Atlanta, GA, 1997 Annual PM<sub>2.5</sub> Nonattainment Area to Attainment****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** On August 30, 2012, the Georgia Department of Natural Resources, through the Georgia Environmental Protection Division (GA EPD), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Atlanta, Georgia, fine particulate matter (PM<sub>2.5</sub>) nonattainment area (hereafter referred to as the "Atlanta Area" or "Area") to attainment for the 1997 Annual PM<sub>2.5</sub> national ambient air quality standards (NAAQS) and a related state implementation plan (SIP) revision containing a maintenance plan for the Atlanta Area. EPA is taking the following separate final actions related to the August 30, 2012, redesignation request and SIP revision: Determining that the Atlanta Area is continuing to attain the 1997 Annual PM<sub>2.5</sub> NAAQS; approving into Georgia's SIP the State's plan for maintaining the 1997 Annual PM<sub>2.5</sub> NAAQS in the Atlanta Area (maintenance plan), including the associated motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO<sub>x</sub>) and direct PM<sub>2.5</sub> for the year 2024; and redesignating the Atlanta Area to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS. Additionally, EPA finds the 2024 MVEBs for the Atlanta Area adequate for the purposes of transportation conformity.

**DATES:** This rule is effective February 24, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2013-0084. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section,

Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays. **FOR FURTHER INFORMATION CONTACT:** Joel Huey, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Mr. Huey may be reached by phone at (404) 562-9104 or via electronic mail at [huey.joel@epa.gov](mailto:huey.joel@epa.gov).

**I. What is the background for the actions?**

On July 18, 1997, EPA promulgated the first air quality standards for PM<sub>2.5</sub>. EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (µg/m<sup>3</sup>), based on a 3-year average of annual mean PM<sub>2.5</sub> concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 µg/m<sup>3</sup>, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, EPA retained the annual average NAAQS at 15 µg/m<sup>3</sup> but revised the 24-hour NAAQS to 35 µg/m<sup>3</sup>, based again on the 3-year average of the 98th percentile of 24-hour concentrations. See 71 FR 61144.

On January 5, 2005, and supplemented on April 14, 2005, EPA designated the Atlanta Area as nonattainment for the 1997 PM<sub>2.5</sub> NAAQS.<sup>1</sup> See 70 FR 944 and 70 FR 19844, respectively. On November 13, 2009, EPA promulgated designations for the 2006 24-hour PM<sub>2.5</sub> NAAQS and designated the Atlanta Area as unclassifiable/attainment for that standard. See 74 FR 58688. EPA did not promulgate designations for the 2006 Annual PM<sub>2.5</sub> NAAQS because that NAAQS was essentially identical to the 1997 Annual PM<sub>2.5</sub> NAAQS.

On August 30, 2012, Georgia submitted a request to EPA for redesignation of the Atlanta Area to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS and a related SIP revision

<sup>1</sup>The Atlanta Area is comprised of twenty whole counties and two partial counties in Georgia: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, Walton, and portions of Heard and Putnam Counties.

containing a maintenance plan for the Area. In a notice of proposed rulemaking (NPR) published on January 11, 2016, EPA proposed to determine that the Atlanta Area is continuing to attain the 1997 Annual PM<sub>2.5</sub> NAAQS; to approve, as a revision to the Georgia SIP, the State's 1997 Annual PM<sub>2.5</sub> NAAQS maintenance plan, including the 2024 MVEBs for NO<sub>x</sub> and direct PM<sub>2.5</sub>, for the Atlanta Area; and to redesignate the Atlanta Area to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS.<sup>2</sup> See 81 FR 1144. In that notice, EPA also notified the public of the status of the Agency's adequacy determination for the NO<sub>x</sub> and direct PM<sub>2.5</sub> MVEBs for the Area. No adverse comments were received on the January 11, 2016, proposed rulemaking. The details of Georgia's submittal and the rationale for EPA's actions are further explained in the NPR.

**II. What are the effects of these actions?**

Approval of the redesignation request changes the legal designation of the counties in the Atlanta Area, found at 40 CFR 81.311, from nonattainment to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS. Approval of Georgia's associated SIP revision also incorporates a plan into the SIP for maintaining the 1997 Annual PM<sub>2.5</sub> NAAQS in the Atlanta Area as described in the NPR. The maintenance plan establishes NO<sub>x</sub> and direct PM<sub>2.5</sub> MVEBs for 2024 for the Area and includes contingency measures to remedy any future violations of the 1997 Annual PM<sub>2.5</sub> NAAQS and procedures for evaluation of potential violations. The 2024 NO<sub>x</sub> and PM<sub>2.5</sub> MVEBs are 44,430 tons per year (tpy) and 2,281 tpy, respectively, for the Area.

**III. Final Actions**

EPA is taking three separate final actions regarding Georgia's request to redesignate the Atlanta Area to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS and associated SIP revision. First, EPA is determining that the Atlanta Area is continuing to attain the 1997 Annual PM<sub>2.5</sub> NAAQS. Second, EPA is approving and incorporating the maintenance plan for the Atlanta Area, including the NO<sub>x</sub> and direct PM<sub>2.5</sub> MVEBs for 2024, into the Georgia SIP. Third, EPA is determining that Georgia has met the criteria under CAA section 107(d)(3)(E) for the Atlanta Area for redesignation from nonattainment to

<sup>2</sup>In section IX of EPA's January 11, 2016, NPR, EPA inadvertently referenced "NO<sub>x</sub> and VOC MVEBs" where the notice should have read "NO<sub>x</sub> and PM<sub>2.5</sub> MVEBs," consistent with numerous other such references in the notice. See 81 FR 1161, 2nd and 3rd columns.

attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS. On this basis, EPA is approving Georgia's redesignation request for the 1997 Annual PM<sub>2.5</sub> NAAQS for the Atlanta Area. As mentioned above, approval of the redesignation request changes the official designation of the counties in the Atlanta Area for the 1997 Annual PM<sub>2.5</sub> NAAQS from nonattainment to attainment, as found at 40 CFR part 81.

EPA is also notifying the public that EPA finds the newly-established NO<sub>x</sub> and direct PM<sub>2.5</sub> MVEBs for the Atlanta Area adequate for the purpose of transportation conformity. Within 24 months from this final rule, the transportation partners must demonstrate conformity to the new NO<sub>x</sub> and direct PM<sub>2.5</sub> MVEBs pursuant to 40 CFR 93.104(e)(3).

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for this action to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the Area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule grants or recognizes an exemption or relieves a restriction, and section 553(d)(3), which allows an effective date less than 30 days after publication as otherwise provided by the agency for good cause found and published with the rule. The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the State of various requirements for the Atlanta Area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on the date of publication of this action.

#### IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of the maintenance plan under CAA section 107(d)(3)(E) are actions that affect the status of geographical area and do not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to

attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 these reasons, these actions:

- Are not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are 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.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are 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,
- will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose

substantial direct costs on tribal governments or preempt tribal law.

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).

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 25, 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 may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, and Particulate matter.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks.

Dated: February 8, 2016.

**Heather McTeer Toney.**

*Regional Administrator, Region 4.*

40 CFR parts 52 and 81 are amended as follows:

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

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

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

##### Subpart L—Georgia

- 2. Section 52.570(e) is amended by adding an entry for "1997 Annual PM<sub>2.5</sub> Maintenance Plan for the Atlanta Area" to the end of the table to read as follows:

§ 52.570 Identification of plan. (e) \* \* \*

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
1997 Annual PM <sub>2.5</sub> Maintenance Plan for the Atlanta Area.	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton Counties in their entireties and portions of Heard and Putnam Counties.	8/30/12	2/24/16 [Insert citation of publication].	

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.311, the table entitled “Georgia—1997 Annual PM<sub>2.5</sub> NAAQS” is amended under “Atlanta, GA:” by

revising the entries for the counties to read as follows:

§ 81.311 Georgia \* \* \* \* \*

**GEORGIA—1997 ANNUAL PM<sub>2.5</sub> NAAQS**  
[Primary and secondary]

Designated area	Designation <sup>a</sup>		Classification	
	Date <sup>1</sup>	Type	Date <sup>2</sup>	Type
Atlanta, GA:				
Barrow County .....	2/24/16	Attainment		
Bartow County .....	2/24/16	Attainment		
Carroll County .....	2/24/16	Attainment		
Cherokee County .....	2/24/16	Attainment		
Clayton County .....	2/24/16	Attainment		
Cobb County .....	2/24/16	Attainment		
Coweta County .....	2/24/16	Attainment		
DeKalb County .....	2/24/16	Attainment		
Douglas County .....	2/24/16	Attainment		
Fayette County .....	2/24/16	Attainment		
Forsyth County .....	2/24/16	Attainment		
Fulton County .....	2/24/16	Attainment		
Gwinnett County .....	2/24/16	Attainment		
Hall County .....	2/24/16	Attainment		
Heard County (part) .....	2/24/16	Attainment		
The northeast portion that extends north of 33 degrees 24 minutes (north) to the Carroll County border and east of 85 degrees 3 minutes (west) to the Coweta County border.				
Henry County .....	2/24/16	Attainment		
Newton County .....	2/24/16	Attainment		
Paulding County .....	2/24/16	Attainment		
Putnam County (part) .....	2/24/16	Attainment		
The area described by U.S. Census 2000 block group identifier 13–237–9603–1.				
Rockdale County .....	2/24/16	Attainment		
Spalding County .....	2/24/16	Attainment		
Walton County .....	2/24/16	Attainment		

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.  
<sup>1</sup> This date is 90 days after January 5, 2005, unless otherwise noted.  
<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****49 CFR Part 372**

[Docket No FMCSA–2015–0372]

RIN 2126–AB86

**Commercial Zones at International Border With Mexico****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Final rule; interim final rule and request for comments.

**SUMMARY:** FMCSA issues a final rule establishing the New Mexico Commercial Zone in Dona Ana County and Luna County, NM. This action is required by the Transportation Equity Act for the 21st Century (TEA–21). The Agency also issues an interim final rule establishing an expanded commercial zone for the City of El Paso, TX, which now includes the new Tornillo-Guadalupe international bridge and port of entry on the border with Mexico. Additionally, through this action, FMCSA provides clarification on the definition of the San Luis, AZ commercial zone. The Agency is interested in receiving public comments regarding what should constitute the eastern boundary for the FMCSA's commercial zone for the City of El Paso, TX, that would include the new Tornillo-Guadalupe international bridge, port of entry, and public access roads O.T. Smith Road and Texas Farm-to-Market Road 3380 (M.F. Aguilera Highway) to Interstate Highway 10.

**DATES:** *Effective Date:* The additions of 49 CFR 372.245 (final rule) and 372.247 (interim final rule) are both effective on February 24, 2016.

*Comment Period Date:* Comments only on the amendments to § 372.247 (interim final rule), related to the City of El Paso, TX's commercial zone, must be received on or before March 25, 2016.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System Docket ID [FMCSA–2015–0372] using any of the following methods:

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 0590–0001.

*Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE.,

Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

*Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The online Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Bryan Price, Chief, North American Borders Division, FMCSA, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone (202) 680–4831; email [bryan.price@dot.gov](mailto:bryan.price@dot.gov).

**SUPPLEMENTARY INFORMATION:****Legal Basis**

The statutes authorizing FMCSA to regulate certain economic activities of motor carriers provide for several exemptions. One of them, the “commercial zone” exemption, now set out in 49 U.S.C. 13506(b)(1), provides that, except to the extent FMCSA finds it necessary to exercise jurisdiction to carry out the transportation policy of 49 U.S.C. 13101, FMCSA has no jurisdiction under 49 U.S.C. subtitle IV, part B<sup>1</sup> over transportation provided

entirely in a municipality, in contiguous municipalities, or in a zone that is adjacent to, and commercially a part of, the municipality or municipalities, except when the transportation is under common control, management, or arrangement for a continuous carriage or shipment to or from a place outside the municipality, municipalities, or zone. The statute does not specify the geographic limits of a commercial zone. From the outset commercial zone limits have usually been established by agency rulemaking under authority provided by 49 U.S.C. 13301(a). Authority to administer the provisions of 49 U.S.C. 13506 has been delegated by the Secretary to the Administrator of FMCSA. 49 CFR 1.87(a)(3).

Although the promulgation of a rule to establish a commercial zone would ordinarily involve the issuance of a notice of proposed rulemaking and an opportunity for public comment, the Administrative Procedure Act does permit their omission for good cause, when “notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(B). In addition, a final rule that is “a substantive rule which grants or recognizes an exemption” may be made effective on less than the 30 days’ notice that is usually required. 5 U.S.C. 553(d).

The establishment of the New Mexico Commercial Zone changes is a nondiscretionary ministerial action that can be taken without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act.

Due to the imminent opening of the Tornillo-Guadalupe port of entry to commercial traffic to and from Mexico, it is critical that motor carriers, drivers, and law enforcement recognize the expanded commercial zone for the City of El Paso. However, the Agency is still interested in receiving public comments related to establishing boundaries specific to this commercial zone. Therefore, this second action is published as an interim final rule also in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act.

operations in commercial zones were exempt from most safety regulations, but since 1989, such operations have been subject to all of the Federal Motor Carrier Safety Regulations, with one very limited exception for certain drivers. 49 U.S.C. 31136(f), Federal Motor Carrier Safety Regulations; General, 53 FR 18042, 18044–49 (May 19, 1988) and Federal Motor Carrier Safety Regulations; General; Exempt Intracity Zone; Foreign Motor Carriers, 54 FR 12200 (Mar. 24, 1989).

<sup>1</sup> This commercial zone exemption thus applies only to commercial regulations applicable to motor carriers, such as the requirements for operating authority set out in 49 U.S.C. 13901–13904 and 49 CFR parts 365, and 390. Mexico-domiciled motor carriers operating in commercial zones at the international border are required to obtain certificates of registration under 49 U.S.C. 13902(c) and 49 CFR part 368. At one time, motor carrier

## Background

In the 1930s, the Interstate Commerce Commission (ICC) established commercial zones under authority of the Motor Carrier Act of 1935.<sup>2</sup> Originally, the ICC defined commercial zones on a case-by-case basis. According to a June 26, 1978, report by the U.S. General Accounting Office titled, “ICC’s Expansion of Unregulated Motor Carrier Commercial Zones Has Had Little or No Effect on Carriers and Shippers, CED–78–124”,<sup>3</sup> the ICC established a population-mileage formula by rule in 1946,<sup>4</sup> with the idea that population and mileage “provided a reasonably accurate definition of commercial zones because urban development normally expands in all directions from the central city.” Those general rules, which were revised by the ICC in 1976,<sup>5</sup> are now found at 49 CFR 372.239, 372.241 and 372.243. The ICC also allowed municipalities “to request specifically defined zones if [the municipalities] believed the territory included by the population-mileage formula was too small.” A number of such specifically defined commercial zones are established in 49 CFR part 372.

When the ICC was dissolved (ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803, (December 29, 1995)), its remaining authorities to regulate motor carrier transportation were transferred to the U.S. Department of Transportation’s Federal Highway Administration (FHWA) as the successor agency. Responsibility for administration of these authorities was later transferred to FMCSA in the Motor Carrier Safety Improvement Act of 1999, Public Law 106–159, 113 Stat. 1748 (Dec. 9, 1999).

### *New Mexico Commercial Zone*

Section 4031 of Transportation Equity Act for the 21st Century, Public Law 105–178, 112 Stat. 419 (June 9, 1998) (TEA–21) provided for the designation of a New Mexico Commercial Zone, comprised of two counties in New Mexico: Dona Ana County and Luna County. The new zone is limited to use by motor carriers of property. There are two border crossings between Mexico and the United States within this commercial zone; Santa Teresa, and Columbus, NM. This new commercial zone went into effect on the date of enactment of the TEA–21 Act, June 9,

1998. However, FHWA did not codify these changes in its regulations at that time.

The responsibilities of the ICC, first transferred to FHWA, were subsequently transferred to FMCSA upon its establishment on January 1, 2000. When FMCSA became aware of the fact that the regulations at 49 CFR part 372, subpart B—Commercial Zones, were not updated to include the New Mexico Commercial Zone comprising these two counties in New Mexico, the Agency included the codification of this commercial zone in the “Unified Registration System” (URS) notice of proposed rulemaking.<sup>6</sup> No comments were received on this issue. However, this codification was not included in the Oct. 23, 2013, final rule.<sup>7</sup> Today’s final rule corrects that oversight.

FMCSA finds that there is good cause for omitting notice and an opportunity for public comment on the rule codifying the New Mexico Commercial Zone. Notice and comment is unnecessary because TEA–21 established the commercial zone in 1998. In any case, an opportunity for public comment was already provided in the URS rulemaking and no comments were received.

### *City of El Paso, TX Commercial Zone*

The County of El Paso submitted a Presidential Permit application on April 14, 2003, to the U.S. Department of State for review/approval of a replacement port of entry location for the Fabens-Caseta International Bridge (connecting Fabens, TX to Caseta, Chihuahua, Mexico). The Department of State issued the Presidential Permit on March 16, 2005, for the construction, maintenance, and operation of the bridge pursuant to Executive Order 11423, “Delegation of Functions to Secretary of State Respecting Certain Facilities Constructed and Maintained on United States Borders.”<sup>8</sup>

Presidential Permit 05–01 is titled “Authorizing the County of El Paso, TX, to Construct, Operate, and Maintain an International Bridge, Its Approaches and Facilities, at the International Boundary Between the United States and Mexico.” This permit, with conditions, granted El Paso County the authority to construct, operate, and maintain an international bridge. The permit noted that the name of the bridge was proposed as the “Tornillo-Guadalupe New International Bridge.” The bridge was to be constructed, “approximately 1,950 feet upstream” from the existing Fabens-

Caseta International Bridge. The permit specified that, “[T]he proposed Tornillo International Bridge will facilitate passenger vehicles, commercial trucks, and pedestrian traffic.” In June 2011, the General Services Administration (GSA) announced the kick-off of construction of the new port facility, including a six-lane replacement bridge. The scope of this project required GSA to secure Congressional approval of the project’s prospectus.

The new bridge and port of entry facilities on both sides of the international border have been completed and were opened to personally owned vehicles and pedestrians on February 4, 2016. The new bridge and port of entry facilities are expected to be opened to commercial traffic in March 2016.

The commercial zone of the City of El Paso is currently defined by the general provisions of 49 CFR 372.239, 372.241 and 372.243 to include the municipality, all municipalities contiguous to the City of El Paso, and all other municipalities and all unincorporated areas that are adjacent to the City of El Paso including, “when the base municipality has a population of 500,000 but less than 1 million [El Paso had a population of 649,121 as of the 2010 census], all unincorporated areas within 15 miles of its corporate limits and all of any other municipality any part of which is within 15 miles of the corporate limits of the base municipality.” 49 CFR 372.241(c)(6). The unincorporated communities of Tornillo, TX, the intersection<sup>9</sup> of Interstate Highway 10 with O.T. Smith Road and Texas Farm-to-Market Road 3380 (M.F. Aguilera Highway), as well as the area near the location of the new port of entry, are more than 15 miles from the closest municipal boundary of the City of El Paso. Those areas are thus not included as part of the current El Paso commercial zone.

As a result, FMCSA must establish a commercial zone for the City of El Paso that clearly includes the new border crossing, which, unlike the current border crossing, will be used by motor carriers of both property and passengers. The expanded commercial zone must also include the intersection of Interstate 10 with O.T. Smith Road and Texas Farm-to-Market Road 3380 so that trucks and buses that have FMCSA authority to operate only within the current El Paso commercial zone may use the new international bridge and

<sup>2</sup> For example, see 2 FR 2498, Nov. 18, 1937, “Los Angeles, Calif. Commercial Zone” decision, and 2 FR 2500, Nov. 18, 1937, “Order Relative to Los Angeles, Calif. Commercial Zone.”

<sup>3</sup> See <http://www.gao.gov/assets/130/123259.pdf>.

<sup>4</sup> 11 FR 14693, Dec. 27, 1946.

<sup>5</sup> 41 FR 56652, Dec. 29, 1976.

<sup>6</sup> 70 FR 28990, at 29052, May 19, 2005.

<sup>7</sup> 78 FR 52608.

<sup>8</sup> 33 FR 11741, Aug. 16, 1968.

<sup>9</sup> A map depicting the intersection of Interstate 10 with O.T. Smith Road and Farm-to-Market Road 3380 is included in the draft EA’s Appendix A as Figure 4 at <http://www.regulations.gov/#/documentDetail;D=FMCSA-2015-0372-0001>.

will be able to drive to and from the intersection of Interstate 10 and O.T. Smith Road/Farm-to-Market Road 3380.

The specific description of the commercial zone for the City of El Paso set out below in new 49 CFR 372.247 includes all of the area presently within the commercial zone under the general rule in 49 CFR 372.241. It adds a provision expanding the zone to include all unincorporated areas within 15 miles of the corporate boundaries of the City of San Elizario. The City of San Elizario (located southeast of the City of El Paso) was incorporated on November 18, 2013, under the general laws of TX and is thus included within the present commercial zone of the City of El Paso because it is within 15 miles of the boundary of the City of El Paso. By expanding the zone to include those unincorporated areas within 15 miles of the boundaries of San Elizario, the new commercial port of entry and the roads and highways providing access to the port of entry will be within the commercial zone of the City of El Paso. This expanded commercial zone<sup>10</sup> would add 84 square miles to the existing El Paso commercial zone.

FMCSA seeks comment on whether the boundary of the expanded commercial zone should instead be the eastern boundary<sup>11</sup> of the County of El Paso (except where the current commercial zone extends beyond the eastern county boundary—these areas would still be included). This expanded commercial zone alternative would add 106 square miles to the existing commercial zone, about 22 square miles more than the unincorporated areas within 15 miles of the boundaries of San Elizario in this interim final rule. Those are areas not included in either the current or the expanded commercial zone established by this interim final rule.

This change will also provide enforcement personnel with the direction needed to determine if motor carriers are operating within the proper commercial zone. In view of the imminent opening of the new port of entry to commercial motor vehicle traffic, FMCSA is establishing this specifically defined commercial zone for the City of El Paso as an interim final rule but, as indicated above, with an opportunity for public comment before the Agency issues a final rule on this commercial zone. FMCSA finds that because of the imminent opening of the

expanded port of entry to commercial traffic, it would be in the public interest to issue this interim final rule.

#### *Effective Date of Final Rules*

The final rule recognizing the statutory creation of the New Mexico Commercial Zone and the interim final rule establishing the expanded commercial zone for the City of El Paso either recognize or grant an exemption, and therefore are made effective upon publication, as authorized by 5 U.S.C. 553(d)(1).

#### *City of San Luis, AZ Commercial Zone*

On October 22, 2014, FMCSA received a letter from the Southwest Arizona Port User Association (SWAPUA) requesting confirmation that the City of Yuma, AZ is included in the commercial zone of San Luis, AZ as a “contiguous municipality” with the city of San Luis, AZ. The San Luis, AZ commercial zone is not one of the named commercial zones in Part 372. However, San Luis is a “municipality” as defined in § 372.239. FMCSA confirmed that the City of San Luis and the City of Yuma have common boundaries and, therefore, are determined to be contiguous. As a result, it is the determination of the FMCSA that the San Luis commercial zone extends throughout the City of Yuma (49 CFR 372.241(b)) and extends 6 air-miles beyond the corporate boundaries of the municipality of San Luis in other areas.

No amendment to existing regulation is needed to address the interpretation requested regarding the Cities of San Luis and Yuma, AZ.

#### **Rulemaking Analyses**

##### *Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

FMCSA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866, as supplemented by Executive Order 13563 (76 FR 3821, Jan. 18, 2011), or within the meaning of the DOT regulatory policies and procedures (44 FR 1103, Feb. 26, 1979). Thus, the Office of Management and Budget (OMB) did not review this document. We expect the final rule and the interim final rule will have no costs, as they exempt motor carriers from obtaining FMCSA operating authority when they operate in interstate or foreign commerce wholly within the New Mexico, or El Paso commercial zones; therefore, a full regulatory evaluation is unnecessary.

#### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612), FMCSA is not required to complete a regulatory flexibility analysis, because, as discussed earlier in the legal basis section, this action is not subject to notice and comment under section 553(b) of the Administrative Procedure Act.<sup>12</sup>

#### *Unfunded Mandates Reform Act*

The final rule and interim final rule will not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, *et seq.*), that will result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$155 million (which is the value of \$100 million in 1995 dollars after adjusting for inflation to 2014 dollars) or more in any 1 year.

#### *E.O. 13132 (Federalism)*

A rule has implications for Federalism under section 1(a) of Executive Order 13132 if it has “substantial direct effects on the States, on the relationship between national government and the States, or on the distribution of power and responsibilities among various levels of government.” FMCSA has determined that this rule will not have substantial direct effects on States, nor will it limit the policymaking discretion of States. Nothing in this document preempts or modifies any provision of State law or regulation, imposes substantial direct unreimbursed compliance costs on any State, or diminishes the power of any State to enforce its own laws. Accordingly, the final rule and the interim final rule do not have Federalism implications warranting the application of E.O. 13132.

#### *E.O. 12372 (Intergovernmental Review)*

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this final rule and interim final rule.

#### *Indian Tribal Governments*

This final rule and interim final rule do not have tribal implications under Executive Order 13175 titled, “Consultation and Coordination with Indian Tribal Governments,” because they would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and

<sup>10</sup> A map depicting the expanded commercial zone under the EA’s alternative 2 is included in the draft EA’s Appendix A as Figure 2.

<sup>11</sup> A map depicting the expanded commercial zone under the EA’s alternative 3 is included in the draft EA as Figure 3.

<sup>12</sup> 5 U.S.C 553(b).

responsibilities between the Federal Government and Indian tribes.

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. FMCSA determined that no new information collection requirements are associated with this final rule and interim final rule, nor are there any revisions to existing, approved collections of information.

#### *National Environmental Policy Act and Clean Air Act*

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) requires Federal agencies to integrate environmental values into their decision-making processes by requiring Federal agencies to consider the potential environmental impacts of their proposed actions. In accordance with FMCSA's Order 5610.1, NEPA Implementing Procedures and Policy for Considering Environmental Impacts, and other applicable requirements, FMCSA prepared an Environmental Assessment (EA) to analyze the potential impacts of the interim final rule for the expansion of the City of El Paso, TX, commercial zone. FMCSA published a notice of availability of the draft EA, giving the public an opportunity to comment on it, on January 15, 2016 (81 FR 2291). No comments were received by the end of the comment period. Because the implementation of this action will only expand an existing commercial zone, FMCSA found that endangered species, cultural resources protected under the National Historic Preservation Act, wetlands, and resources protected under Section 4(f) of the DOT Act of 1966, 49 U.S.C. 303, as amended by Public Law 109–59 (Aug. 10, 2005), are not impacted. The impact areas that may be affected and were evaluated in this EA included air quality, noise, socioeconomics, environmental justice, public health and safety, and hazardous materials. FMCSA anticipates that expanding the El Paso commercial zone will have certain impacts related principally to air emissions and land use from economic growth; however, neither of these impacts individually or collectively will cause significant impacts. In addition, the economic impact will have beneficial impacts to the quality of life in terms of job creation.

A final EA has been prepared and a Finding of No Significant Impact (FONSI) has been issued for this action. The final EA and FONSI are also available for inspection or copying in the Regulations.gov Web site at <http://www.regulations.gov>.

FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7506(c)), and implementing regulations promulgated by the Environmental Protection Agency. None of the alternatives considered in the EA is located in a nonattainment or maintenance area for any of the criteria pollutants; therefore, FMCSA has determined that it is not required to perform a CAA general conformity analysis.

#### *E.O. 12898 (Environmental Justice)*

E.O. 12898 (59 FR 7629, Feb. 16, 1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, establishes Federal executive policy on environmental justice. The E.O.'s main provision directs Federal agencies to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. FMCSA evaluated the environmental effects of this final rule and interim final rule in accordance with E.O. 12898 and determined that there are no environmental justice issues associated with its provisions, nor any collective environmental impact resulting from its promulgation. None of the alternatives analyzed in the EA will result in high and adverse environmental impacts on minority or low-income populations.

#### *E.O. 13211 (Energy Effects)*

FMCSA has analyzed this final rule and interim final rule under Executive Order 13211, titled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use." The Agency has determined that the rule(s) are not a "significant energy action" under that Executive Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, no Statement of Energy Effects is required.

#### *E.O. 13045 (Protection of Children)*

Executive Order 13045 titled, "Protection of Children from

Environmental Health Risks and Safety Risks" (62 FR 19885, Apr. 23, 1997), requires agencies issuing "economically significant" rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. As discussed previously, the final rule and interim final rule are not economically significant. Therefore, no analysis of the impacts on children is required.

#### *E.O. 12988 (Civil Justice Reform)*

This action meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988 titled, "Civil Justice Reform," to minimize litigation, eliminate ambiguity, and reduce burden.

#### *E.O. 12630 (Taking of Private Property)*

This final rule and interim final rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630 titled, "Governmental Actions and Interference with Constitutionally Protected Property Rights."

#### *National Technology Transfer and Advancement Act*

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) requires Federal agencies proposing to adopt technical standards to consider whether voluntary consensus standards are available. If the Agency chooses to adopt its own standards in place of existing voluntary consensus standards, it must explain its decision in a separate statement to OMB. Because FMCSA does not intend to adopt technical standards, there is no need to submit a separate statement to OMB on this matter.

#### *Privacy Impact Assessment*

Section 522(a)(5) of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Pub. L. 108–447, Division H, Title I, 118 Stat. 2809 at 3268, Dec. 8, 2004) requires DOT and certain other Federal agencies to conduct a privacy impact assessment of each rule that will affect the privacy of individuals. Because this final rule and interim final rule will not affect the privacy of individuals, FMCSA did not conduct a separate privacy impact assessment.

#### **List of Subjects in 49 CFR Part 372**

Agricultural commodities, Buses, Cooperatives, Freight forwarders, Motor

carriers, Moving of household goods, Seafood.

For reasons set forth in the preamble, FMCSA amends title 49, Code of Federal Regulations, chapter III, subchapter B, part 372 as follows:

**PART 372—EXEMPTIONS, COMMERCIAL ZONES, AND TERMINAL AREAS**

■ 1. The authority citation for part 372 is revised to read as follows:

**Authority:** 49 U.S.C. 13504 and 13506; Pub. L. 105–178, sec. 4031, 112 Stat. 418; and 49 CFR 1.87.

■ 2. Add §§ 372.245 and 372.247 to read as follows:

**§ 372.245 New Mexico Commercial Zone.**

(a) Transportation within a zone comprised of Dona Ana and Luna Counties, NM, by motor carriers of property, in interstate or foreign commerce, not under common control, management, or arrangement for shipment to or from points beyond such zone is partially exempt from regulation under 49 U.S.C. 13506(b)(1).

(b) To the extent that commercial zones of municipalities within the two counties (as determined under § 372.241) extend beyond the boundaries of this two county zone, the areas of such commercial zones shall be considered to be part of the zone and partially exempted from regulation under 49 U.S.C. 13506(b)(1).

**§ 372.247 City of El Paso, TX.**

The zone adjacent to, and commercially a part of El Paso, TX, within which transportation of passengers or property by motor carriers in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under 49 U.S.C. 13506(b)(1), includes and is comprised of all points as follows:

(a) The municipality of the City of El Paso, TX;

(b) All municipalities which are contiguous to the City of El Paso;

(c) All of any other municipalities and all unincorporated areas within the United States which are adjacent to the City of El Paso as follows:

(1) Within 15 miles of the corporate limits of the City of El Paso; or

(2) Within 15 miles of the corporate limits of the City of San Elizario, TX; and

(d) All municipalities wholly surrounded, or so surrounded except for

a water boundary, by the City of El Paso, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of the City of El Paso under the provisions of paragraph (c) of this section.

Issued pursuant to authority delegated in 49 CFR 1.87 on February 22, 2016.

**T.F. Scott Darling, III,**

*Acting Administrator.*

[FR Doc. 2016–04029 Filed 2–23–16; 8:45 am]

**BILLING CODE 4910–EX–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 140918791–4999–02]

**RIN 0648–XE462**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2016 total allowable catch of pollock for Statistical Area 630 in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 19, 2016, through 1200 hrs, A.l.t., March 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2016 total allowable catch (TAC) of pollock in Statistical Area 630 of the GOA is 12,456 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish of the GOA

(80 FR 10250, February 25, 2015) and inseason adjustment (81 FR 188, January 5, 2016).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2016 TAC of pollock in Statistical Area 630 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 11,856 mt and is setting aside the remaining 600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 17, 2016.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 19, 2016.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2016–03864 Filed 2–19–16; 4:15 pm]

**BILLING CODE 3510–22–P**



# Proposed Rules

Federal Register

Vol. 81, No. 36

Wednesday, February 24, 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 AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 7 CFR Part 800

RIN 0580-AB24

#### Reauthorization of the United States Grain Standards Act; Extension of Comment Period

**AGENCY:** Grain Inspection Packers and Stockyards Administration, USDA.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Department of Agriculture (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is extending the comment period for its proposed rule addressing changes to the United States Grain Standards Act (USGSA), as amended, in order to comply with amendments to the USGSA made by the Agriculture Reauthorizations Act of 2015.

**DATES:** The comment period for the proposed rule published January 25, 2016 (81 FR 3970), is extended until April 25, 2016.

**ADDRESSES:** We invite you to submit comments on this rule. In your comments, please include the Regulation Identifier Number (RIN) and the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- Mail, hand deliver, or courier to Dexter Thomas, GIPSA, USDA, 1400 Independence Avenue SW., Room 2526-S, Washington, DC 20250-3642.

Comments will be available online at [www.regulations.gov](http://www.regulations.gov). Comments may also be inspected at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays. A copy of this proposed rule is available through the

GIPSA homepage at <http://www.gipsa.usda.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Barry Gomoll, 202-720-8286.

Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** On January 25, 2016, GIPSA published a proposed rule in the **Federal Register** (81 FR 3970) to amend 7 CFR part 800 to comply with the Agricultural Reauthorizations Act of 2016 (Pub. L. 114-54). In response to requests from several interested groups, GIPSA has decided to extend the comment period for 30 days.

Larry Mitchell,

*Administrator, Grain Inspection, Packers and Stockyards.*

[FR Doc. 2016-03863 Filed 2-23-16; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-109822-15]

RIN 1545-BM70

#### Country-by-Country Reporting; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking (REG-109822-15) that was published in the **Federal Register** on Wednesday, December 23, 2015 (80 FR 79795). The proposed regulations would require annual country-by-country reporting by United States persons that are the ultimate parent entity of a multinational enterprise group.

**DATES:** Written or electronic comments and request for a public hearing for the notice of proposed rulemaking at 80 FR 79795, December 23, 2015, are still being accepted and must be received by March 22, 2016.

**ADDRESSES:** Send submissions to CC:PA:LPD:PR (REG-109822-15), Room

5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG-109822-15), Courier's desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, or sent electronically, via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (IRS REG-109822-15).

#### FOR FURTHER INFORMATION CONTACT:

Melinda E. Harvey, at (202) 317-6934 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

The notice of proposed rulemaking that is the subject of this document is under sections 6001, 6011, 6012, 6031, and 6038 of the Internal Revenue Code.

#### Need for Correction

As published, the notice of proposed rulemaking (REG-109822-15) contains errors that are misleading and are in need of clarification.

#### Correction

Accordingly, the notice of proposed rulemaking that is the subject of FR Doc. 2015-32145, beginning on page 79795 of the issue of December 23, 2015, is corrected as follows:

1. On page 79797, in the first column, under the paragraph heading "1. U.S. Persons Required To File Form XXXX, Country-by-Country Report," in the second sentence the phrase "§ 1.6038-4(j) provides an exception" is corrected to read "§ 1.6038-4(h) provides an exception".

#### § 1.6038-4 [Corrected]

2. On page 79801, second column, in the second line of § 1.6038-4(a), the phrase "provided in paragraph (j) of this section" is corrected to read "provided in paragraph (h) of this section".

Martin V. Franks,

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 2016-03906 Filed 2-23-16; 8:45 am]

**BILLING CODE 4830-01-P**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION****29 CFR Part 1614**

RIN 3046-AA94

**Affirmative Action for Individuals With Disabilities in the Federal Government****AGENCY:** Equal Employment Opportunity Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Equal Employment Opportunity Commission (“EEOC” or “Commission”) proposes to amend its regulations requiring the federal government to engage in affirmative action for individuals with disabilities. These changes will clarify the obligations that the Rehabilitation Act of 1973 imposes on federal agencies as employers, in addition to the obligation not to discriminate on the basis of disability. An initial economic analysis indicates that the regulations will have a moderate economic impact of less than \$100 million per year on federal agencies. Because the proposed regulation does not apply to the private sector, it will have no impact, economic or otherwise, on private businesses.

**DATES:** Submit comments on or before April 25, 2016.

**ADDRESSES:** You may submit comments, identified by RIN 3046-AA94, by any of the following methods:

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

- *Fax:* (202) 663-4114. (There is no toll free FAX number.) Only comments of six or fewer pages will be accepted via FAX transmittal, in order to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll free numbers.)

- *Mail:* Bernadette Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507.

- *Hand Delivery/Courier:* Bernadette Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, U.S. Equal Employment Opportunity Commission, 131 M Street NE., Washington, DC 20507.

*Instructions:* The Commission invites comments on the proposed changes from all interested parties. All comment submissions must include the agency

name and docket number or the Regulatory Information Number (RIN) for this rulemaking. Comments need be submitted in only one of the above-listed formats. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information you provide.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Copies of the received comments also will be available for inspection in the EEOC Library, FOIA Reading Room, by advanced appointment only, from 9 a.m. to 5 p.m., Monday through Friday except legal holidays, from April 25, 2016 until the Commission publishes the rule in final form. Persons who schedule an appointment in the EEOC Library, FOIA Reading Room, and need assistance to view the comments will be provided with appropriate aids upon request, such as readers or print magnifiers. To schedule an appointment to inspect the comments at the EEOC Library, FOIA Reading Room, contact the EEOC Library by calling (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll free numbers.)

**FOR FURTHER INFORMATION CONTACT:** Christopher Kuczynski, Assistant Legal Counsel, (202) 663-4665, or Aaron Konopasky, Senior Attorney-Advisor, (202) 663-4127 (voice), or (202) 663-7026 (TTY), Office of Legal Counsel, U.S. Equal Employment Opportunity Commission. (These are not toll free numbers.) Requests for this document in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663-4191 (voice) or (202) 663-4494 (TTY).

**SUPPLEMENTARY INFORMATION:****Executive Summary**

This Notice of Proposed Rulemaking (“NPRM”) proposes to amend 29 CFR 1614.203 to clarify the affirmative action obligations that Section 501 of the Rehabilitation Act of 1973 (“Section 501”) <sup>1</sup> imposes on federal agencies <sup>2</sup> as employers. It codifies a variety of obligations currently placed on federal agencies by management directives and Executive Orders, and adds three substantive affirmative action requirements: (1) Agencies must meet goals set by the EEOC, rather than by the

<sup>1</sup> 29 U.S.C. 791.

<sup>2</sup> Section 501 applies to “each department, agency, and instrumentality (including the United States Postal Service and the Postal Regulatory Commission) in the executive branch and the Smithsonian Institution.” 29 U.S.C. 791(b). For convenience, this Notice uses the term “federal agency” or “agency” to mean any federal entity covered by Section 501.

agencies themselves as currently required, for employment of people who have disabilities as defined under Section 501; (2) agencies must meet subgoals set by the EEOC, rather than by the agencies themselves as currently required, for the employment of people with targeted/severe (hereinafter “targeted”) disabilities as defined by the Office of Personnel Management’s (“OPM’s”) Standard Form 256 (“SF-256”); <sup>3</sup> and (3) agencies must provide personal assistants to employees who, because of disabilities, require such assistance in order to be at work or participate in work-related travel, unless the provision of such services would impose an undue hardship on the agency. The rule would not have retroactive effect.

An initial economic analysis indicates that the proposed regulation may have a one-time initial cost to the federal government of approximately \$90,448.20; an annual cost to the federal government of between \$11,601,562.56 and \$58,732,303.77; and an annual economic benefit to the federal government of between \$3,514,752.00 and \$6,397,947.00. The rule is also expected to have a variety of non-monetizable qualitative and dignitary benefits for individuals with disabilities and individuals with targeted disabilities.

**Background**

Section 501 requires federal agencies to establish an affirmative action program for the hiring, placement, and advancement of individuals with disabilities. <sup>4</sup> The affirmative action requirement in Section 501 imposes two distinct obligations on federal agencies.

First, affirmative action requires that agencies not discriminate against individuals with disabilities. Section 501 provides that the standards used to determine whether a federal agency has discriminated against an individual with a disability “shall be the standards applied under title I of the Americans with Disabilities Act of 1990 . . . and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 . . . as such sections relate to employment.” <sup>5</sup> EEOC

<sup>3</sup> Office of Pers. Mgmt., *Standard Form 256* (revised July, 2010), available at [http://www.opm.gov/forms/pdf\\_fill/sf256.pdf](http://www.opm.gov/forms/pdf_fill/sf256.pdf). The term “targeted disability” was first officially recognized by the EEOC in MD-703, which was approved on December 6, 1979. Equal Emp’t Opportunity Comm’n, *Improving the Participation Rate of People with Targeted Disabilities in the Federal Workforce 4* (Jan., 2008), available at <http://www.eeoc.gov/federal/reports/pwtd.pdf>.

<sup>4</sup> See 29 U.S.C. 791(b).

<sup>5</sup> 29 U.S.C. 791(g).

regulations provide substantial guidance on these standards at 29 CFR part 1630. Additional guidance is provided in the many Section 501 discrimination cases decided by the Commission each year. These decisions are published on the EEOC's Web site, and significant decisions are compiled in a publicly available digest maintained by the Commission's Office of Federal Operations.<sup>6</sup> This rule does not change any of the substantive nondiscrimination requirements that currently apply in the federal sector, as set forth in EEOC's regulations and cases.

Second, affirmative action requires each federal agency to maintain, update annually, and submit to the Commission an "affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities," and further directs the Commission to approve a plan if "the Commission determines . . . that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities."<sup>7</sup>

The regulations currently implementing this Section 501 requirement simply state that the federal government shall be a "model employer of individuals with disabilities," and instruct federal agencies to "give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities."<sup>8</sup> Over the years, however, the EEOC has issued various Management Directives to provide guidance on how an agency's affirmative action plan ("Plan") should result in the federal government being a model employer of individuals with disabilities. In addition, several Executive Orders have been issued, setting numerical objectives for hiring by the federal government of individuals with disabilities, to support the goals of Section 501 of the Rehabilitation Act.

In 1987, the Commission issued Management Directive 713, setting the standards by which the Commission would judge an agency's Plan with regard to the hiring of people with disabilities.<sup>9</sup> Management-Directive 713 required agencies with 1,000 or more employees to establish specific numerical objectives (goals) for

employment of people with targeted disabilities, and to report the number of people with targeted disabilities employed by the agency.<sup>10</sup>

In 2003, the EEOC issued Management Directive 715 ("MD-715"), which superseded MD-713.<sup>11</sup> Part B of MD-715 provides detailed standards by which the Commission judges an agency's affirmative action plan with regard to the hiring of people with disabilities. MD-715 reaffirms that affirmative action includes a nondiscrimination component and that the standards of the Americans with Disabilities Act ("ADA") govern the nondiscrimination requirements of Section 501.<sup>12</sup> MD-715 also reaffirms that not discriminating against people with disabilities does not exhaust an agency's affirmative action obligation to hire and advance people with disabilities. MD-715 requires agencies "to conduct an internal review and analysis of the effects of all current and proposed policies, practices, procedures and conditions that, directly or indirectly, relate to the employment of individuals with disabilities" and to "collect and evaluate information and data necessary to make an informed assessment about the extent to which the agency is meeting its responsibility to provide employment opportunities for qualified applicants and employees with disabilities, especially those with targeted disabilities."<sup>13</sup> MD-715 also requires agencies to have written procedures for providing reasonable accommodations, including the amount of time decision makers have to answer reasonable accommodation requests.<sup>14</sup> Finally, MD-715 reinforces the requirement from MD-713 that agencies with 1,000 or more employees are required "to maintain a special

recruitment program for individuals with targeted disabilities and to establish specific goals for the employment and advancement of such individuals," and to report the numbers of employees with targeted disabilities to the EEOC.<sup>15</sup>

In addition to MD-715, there are a number of Executive Orders, as well as guidance and policy documents implementing such Executive Orders, that overlap with MD-715 and guide the affirmative action efforts of federal agencies with regard to the hiring and advancement of people with disabilities.

President Bill Clinton issued Executive Order 13163 on July 26, 2000 "to support the goals articulated in section 501 of the Rehabilitation Act of 1973."<sup>16</sup> Under this Executive Order, each federal agency was required to prepare a plan to increase the opportunities for individuals with disabilities to be employed in the agency, and to submit the plan to OPM within 60 days from the date of the order. The Executive Order stated that "based on current hiring patterns and anticipated increases from expanded outreach efforts and appropriate accommodations, the Federal Government, over the next 5 years, will be able to hire 100,000 qualified individuals with disabilities."<sup>17</sup> The same day, President Clinton issued Executive Order 13164, requiring federal agencies to establish written reasonable accommodation procedures, with a series of detailed requirements to be included in those written procedures.<sup>18</sup> Shortly thereafter, the EEOC issued *Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation*.<sup>19</sup> In 2005, the EEOC issued additional guidance providing agencies with detailed practical advice for drafting and implementing reasonable accommodation procedures under Executive Order 13164.<sup>20</sup> And in 2008,

<sup>6</sup> See *Digest of Equal Employment Opportunity Law*, Equal Emp't Opportunity Comm'n, <http://www.eeoc.gov/federal/digest/index.cfm> (last visited July 23, 2015).

<sup>7</sup> 29 U.S.C. 791(b).

<sup>8</sup> 29 CFR 1614.203(a).

<sup>9</sup> Equal Emp't Opportunity Comm'n, *Management Directive 713*, 1987 WL 768434 (Oct. 3, 1987).

<sup>10</sup> EEO Management Directive 712 (MD-712) preceded MD-713 by four years. MD-712 created documentation requirements for agencies' affirmative action plans, but did not include reporting requirements. MD-712 required agencies to focus on the employment of individuals with targeted disabilities; included detailed requirements for program administration and management, including staffing commitments and responsibilities; and required agencies with more than 1,000 employees to establish objectives for hiring people with targeted disabilities. Equal Emp't Opportunity Comm'n, *Management Directive 712*, 1983 WL 410824 (March 29, 1983). For a general history of the EEOC's Management Directives, see Office of Fed. Operations, Equal Emp't Opportunity Comm'n, *A Look at the EEOC's Office of Federal Operation's Federal Sector Programs: Past, Present, and Future*, Dig. of EEO L., Winter 2008, available at <http://www.eeoc.gov/federal/digest/xix-1.cfm>.

<sup>11</sup> Equal Emp't Opportunity Comm'n, *Management Directive 715* (Oct 1, 2003), available at <http://www.eeoc.gov/federal/directives/md715.cfm>.

<sup>12</sup> *Id.* at B.II.

<sup>13</sup> *Id.* at B.III.

<sup>14</sup> *Id.* at B.V.

<sup>15</sup> *Id.* at B.V.

<sup>16</sup> See Executive Order No. 13163, 3 CFR 285 (2001), available at <http://www.gpo.gov/fdsys/pkg/FR-2000-07-28/pdf/00-19322.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> 3 CFR 286 (2001), available at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000\\_register&docid=fr28jy00-140.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=fr28jy00-140.pdf).

<sup>19</sup> Equal Emp't Opportunity Comm'n, *Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation* (last modified Oct. 19, 2000), available at [http://www.eeoc.gov/policy/docs/qanda-accommodation\\_procedures.html](http://www.eeoc.gov/policy/docs/qanda-accommodation_procedures.html).

<sup>20</sup> Equal Emp't Opportunity Comm'n, *Practical Advice on Drafting and Implementing Reasonable Accommodation Procedures under Executive Order 13164*, (July 2005), available at <http://>

the Commission issued an extensive manual on promoting the employment of individuals with disabilities in the federal workforce.<sup>21</sup>

In July 2010, President Barack Obama issued Executive Order 13548, again setting a goal of having the federal government hire 100,000 persons with disabilities within five years.<sup>22</sup> The Executive Order requires agencies to set agency-specific hiring goals for persons with disabilities as defined under Section 501 and sub-goals for persons with targeted disabilities as defined by SF-256, and to report those goals to the OPM. Again, policy and guidance documents were developed pursuant to this Executive Order.<sup>23</sup>

On May 15, 2014, the Commission published an Advance Notice of Proposed Rulemaking (“ANPRM”) requesting public comment on specific inquiries regarding potential ways to strengthen its Section 501 affirmative action regulations.<sup>24</sup> The comment period ended July 14, 2014, and all comments received have been reviewed and given due consideration. The comments are available for review at the Federal eRulemaking Portal at <http://www.regulations.gov>.

A total of 89 comments were received,<sup>25</sup> representing the views of 53 individuals, 49 advocacy groups, 10 government entities including state governments and branches of the military, 5 businesses, 2 lawyers or lawyers associations, 1 institution of higher learning, and 1 union representative.

Of the 89 comments, 80 were generally supportive of the Commission’s proposal to amend its Section 501 regulations and included at least one suggestion for what should be included in the rule. Only 2 of the comments were generally negative (1 from an individual and 1 from a

government entity), and 7 were nonresponsive (6 from individuals, and 1 from an advocacy group).

This NPRM proposes to amend 29 CFR 1614.203 to update, clarify, and put in one place the standards the Commission will use to review and approve affirmative action plans developed by agencies pursuant to Section 501. The proposed rule was informed and significantly shaped by all of the comments received. Following final promulgation of this regulation, EEOC will reconcile this regulation’s reporting requirements with existing obligations under MD-715 to ensure that agencies do not engage in duplicative efforts and reporting. The rule would not have retroactive effect.

The NPRM also modifies the goals for hiring people with disabilities in the federal government that are currently set forth by MD-715 and Executive Order 13548 in one respect: The proposed rule would require agencies to take specific steps that are reasonably designed to gradually increase the number of employees with disabilities as defined under Section 501, and the number of employees with targeted disabilities as defined in SF-256, until they meet specific goals set by the EEOC. This is consistent with the approach taken by the Department of Labor in regulations issued to implement the obligation of federal contractors pursuant to Section 503 of the Rehabilitation Act of 1973.<sup>26</sup>

Finally, the NPRM adds a requirement that an agency’s Plan include the provision of personal assistants to employees who, because of their disabilities, require such assistance in order to be at work or go on work-related travel. Personal assistance services (PAS) assist employees with disabilities with eating, drinking, using the restroom, and putting on and taking off clothing as needed to allow them to participate in the workforce. Such services do not, however, include medical care, and do not have to be provided by someone who has medical training or qualifications.

For many individuals with targeted disabilities, such as paralysis or cerebral palsy, full participation in the workplace is impossible without such services. Lack of PAS in the workplace and/or the fear of losing PAS provided by means-tested assistance programs are stubborn and persistent barriers to employment for individuals with certain significant disabilities. Although providing an additional person to assist

an employee with a disability to perform his or her job duties may fall under an agency’s nondiscrimination obligation to provide a reasonable accommodation (for example, hiring a sign language interpreter), an agency is not required to hire a personal assistant to perform PAS as part of its reasonable accommodation obligation. The NPRM therefore places this obligation on agencies through the affirmative action requirement of Section 501.

However, the Commission has determined that the requirement to provide PAS should be subject to an undue hardship defense, the same limitation on the obligation to provide reasonable accommodations as a matter of nondiscrimination.<sup>27</sup> The defense ensures that agencies will not be required to provide PAS if doing so would involve significant cost relative to the available resources, or significant disruption of the agency’s functions.

Each requirement of the proposed rule is discussed in the detailed Section-by-Section Analysis below, and relevant comments are discussed within each section.

## Section-by-Section Analysis

### 1614.203(a) Definitions

Paragraph (a) of the proposed rule provides definitions of key terms. None of the definitions are novel. Many of the defined terms are simple abbreviations: (a)(1) Provides that “ADA” refers to those portions of the ADA that are enforced by the Commission;<sup>28</sup> (a)(4) provides that “Plan” refers to an agency’s affirmative action plan, as required under 29 U.S.C. 791(b); (a)(5) provides that “Schedule A hiring authority for persons with certain disabilities” refers to the hiring authority for individuals with intellectual disabilities, severe physical disabilities, and psychiatric disabilities, as set forth at 5 CFR 213.3102(u); and (a)(6) provides that “Section 501” means Section 501 of the Rehabilitation Act, codified at 29 U.S.C. 791.

Paragraph (a)(2) clarifies that, for purposes of the regulation, “disability” has the same meaning that it does under the ADA and Section 501.<sup>29</sup> As amended by the ADA Amendments Act

[www.eeoc.gov/policy/docs/implementing\\_accommodation.pdf](http://www.eeoc.gov/policy/docs/implementing_accommodation.pdf).

<sup>21</sup> Equal Emp’t Opportunity Comm’n, *Questions and Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce* (n.d.), available at <http://eeoc.gov/federal/qanda-employment-with-disabilities.cfm>.

<sup>22</sup> Executive Order No. 13548, 3 CFR 168 (2010), available at <http://www.gpo.gov/fdsys/pkg/FR-2010-07-30/pdf/2010-18988.pdf>.

<sup>23</sup> Office of Pers. Mgmt., *Model Strategies for Recruitment and Hiring of People with Disabilities* (Nov. 8, 2010), available at <https://www.chcoc.gov/content/model-strategies-recruitment-and-hiring-people-disabilities-required-under-executive-order>. This guidance document was developed in consultation with the White House, the Department of Labor, and the EEOC.

<sup>24</sup> The Federal Sector’s Obligation to Be a Model Employer of Individuals with Disabilities, 79 FR 27,824 (May 15, 2014) (to be codified at 29 CFR 1614.203).

<sup>25</sup> In addition to the 89 comments, the Commission received several duplicate comments.

<sup>26</sup> The Section 503 regulations establish a 7% utilization goal for employment of qualified individuals with disabilities for the contractor’s entire workforce or each job group in the contractor’s workforce. See 41 CFR 60-741.45(a).

<sup>27</sup> See 29 CFR 1630.15(d); part 1630, app. 1630.15(d).

<sup>28</sup> These are title I of the ADA, 42 U.S.C. 12101 through 12117, and title V of the ADA, 42 U.S.C. 12201 through 12213, as it applies to employment.

<sup>29</sup> See 42 U.S.C. 12102; 29 CFR 1630.2, .3; 29 CFR part 1630, app. 1630.2, .3. The Rehabilitation Act incorporates the ADA definition of “disability.” 29 U.S.C. 794(d).

of 2008 (“ADAAA”),<sup>30</sup> and implemented by the Commission’s regulations at 29 CFR part 1630, the term “disability” is construed broadly and includes a wide range of medical conditions.<sup>31</sup>

Paragraph (a)(3) provides that the term “hiring authority that takes disability into account” means any hiring authority that permits an agency to consider disability status in the selection of individuals for employment, and provides examples of such, including the Section A hiring authority for persons with certain disabilities; the Veterans’ Recruitment Appointment authority, as set forth at 5 CFR part 307; and the 30% or More Disabled Veteran authority, as set forth at 5 CFR 316.302(b)(4), 316.402(b)(4).

Paragraph (a)(7) defines the term “targeted/severe disability” to mean a disability specifically designated as “targeted/severe” in SF–256. Under the definitions set forth in this paragraph, the term “targeted disabilities” is defined more narrowly than “disabilities”; individuals with targeted disabilities are a subset of individuals who have disabilities as defined under Section 501.

Paragraph (a)(8) defines “undue hardship” as having the same meaning as set forth in 29 CFR part 1630.

#### *1614.203(b) Nondiscrimination*

This paragraph states that Section 501 prohibits disability discrimination in employment, and that the standards used to determine whether an agency has violated the prohibition against discrimination are those applied under the ADA. The paragraph reminds agencies that discrimination on the basis of disability is prohibited in all aspects of employment, including hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

#### *1614.203(c) Model Employer*

This paragraph is taken directly from 29 CFR 1614.203(a) of the existing regulations. Other than redesignating the paragraph as 1614.203(c), the proposed rule makes no changes to the paragraph.

<sup>30</sup> ADA Amendments Act of 2008, Pub. L. 110–325, 122 Stat. 3553 (codified as amended in scattered sections of 29 U.S.C. and 42 U.S.C.).

<sup>31</sup> For a discussion of the ADAAA’s definition of “disability,” see, for example, Equal Emp’t Opportunity Comm’n, *Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008* (n.d.), available at [http://www.eeoc.gov/laws/regulations/ada\\_qa\\_final\\_rule.cfm](http://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm).

#### *1614.203(d) Affirmative Action Plan*

This paragraph sets forth the requirements that an agency’s affirmative action plan must meet in order to provide “sufficient assurances, procedures, and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities.”<sup>32</sup> Each requirement is discussed in detail below.

##### *1614.203(d)(1) Disability Hiring and Advancement Program*

A strong majority of commenters stated that the rule should require agencies to improve their outreach and recruitment efforts. Many of these commenters made specific suggestions, for example, that agencies should be required to develop programs and resources that may be used to identify qualified job applicants with disabilities who may be hired using the Schedule A hiring authority for persons with certain disabilities before a position is advertised, or establish and maintain contacts with disability organizations. Paragraph (d)(1)(i) incorporates these suggestions, and provides examples of ways in which an agency could meet this requirement.<sup>33</sup>

A large number of commenters stated that the rule should require federal agencies to make certain information available to job applicants and potential job applicants with disabilities, including information about how to request a reasonable accommodation and how to apply for appointment to a position under noncompetitive disability-related hiring authorities. Paragraph (d)(1)(ii) addresses this concern. It also requires agencies to ensure there is appropriate staff to respond to all disability-related issues relating to the application and placement processes, including questions about reasonable accommodation and appointment under hiring authorities that take disability into account.

Paragraph (d)(1) also addresses the common concern that hiring officials should be given accurate information regarding reasonable accommodation and the appropriate use of hiring authorities that take disability into account. The paragraph requires that the agency provide necessary reasonable accommodations to job applicants with disabilities; accept applications for

<sup>32</sup> 29 U.S.C. 791(b).

<sup>33</sup> Many suggestions offered by commenters track the current requirements of MD–715. The preamble does not note each time a section of the NPRM repeats a requirement currently placed on agencies by MD–715.

appointment under hiring authorities that take disability into account; determine eligibility for such appointment; forward applications from eligible individuals to the relevant hiring managers, and ensure that these managers know how and when they may appoint such individuals, consistent with all applicable laws.

Many commenters stated that agencies should be required to develop and implement advancement programs for current employees with disabilities, for example by taking steps to ensure that employees with disabilities are enrolled in management training when eligible; developing a mentoring program for employees with disabilities; or administering exit interviews that include questions on how the agency could improve the recruitment, hiring, inclusion, and advancement of individuals with disabilities. Paragraph (d)(1)(iv) adopts this suggestion.

Some common suggestions were not incorporated into the rule, however. The proposed rule does not modify the competitive service hiring process by, for example, awarding additional “points” to candidates with disabilities, adopting preferences, reserving certain positions for individuals with disabilities, or requiring agencies to interview all qualified candidates with disabilities.<sup>34</sup> The rule also does not require agencies to provide mandatory training to supervisors and hiring officials, to incorporate equal employment opportunity and affirmative action principles into supervisors’ and hiring officials’ performance reviews, or to take disciplinary action against employees who have engaged in discrimination, because these issues are already addressed elsewhere by Commission regulations.<sup>35</sup>

##### *1614.203(d)(2) Disability Anti-Harassment Policy*

Some commenters stated that agencies should be required to state specifically in their anti-harassment policies that harassment based on disability is prohibited. This paragraph adopts this suggestion.

##### *1614.203(d)(3) Reasonable Accommodation*

Many commenters stated that agencies should be required to have written reasonable accommodation procedures. Executive Order 13164 has required agencies to have such

<sup>34</sup> The competitive hiring process is governed by OPM regulations.

<sup>35</sup> See 29 CFR 1614.102(a)(5), (6), (9).

procedures since 2000,<sup>36</sup> and MD-715, as updated in 2003, includes this requirement as well.<sup>37</sup> The Commission has made this requirement part of the proposed rule. The paragraph also adopts several commenters' suggestions for what should be included in the written procedures, many of which are similar to components of reasonable accommodation procedures described in Executive Order 13164 and MD-715. They include a statement that expedited processing and interim accommodations will be provided when possible; instructions for managers on how to recognize and report requests for reasonable accommodation; an explanation of the applicable confidentiality requirements; processing deadlines; information on how to challenge a denial under the federal equal employment opportunity complaint process; and a statement that requestors will be notified of the basis for a denial. The notification requirement is incorporated into the rule at (d)(3)(iii).

Some commenters stated that the rule should require agencies to establish a "centralized fund" to pay for required reasonable accommodations. The purpose of the suggested requirement is to ensure that sufficient funds are available for more costly accommodations, when necessary. Under MD-715, agencies are asked to report whether they use a centralized fund for purposes of providing reasonable accommodations across the agency.<sup>38</sup> However, in the Commission's judgment, mandating this requirement as part of an agency's affirmative action obligation raises too many practical concerns as to the precise manner in which appropriated funds are to be held, requested, and disbursed within the agency. Additionally, centralized funding is not a complete solution—problems remain if the fund is too small, or if relevant decision-makers within the agency are unaware of the fund's existence or of the means of accessing it.

Paragraph (d)(3)(ii) addresses the commenters' underlying concerns by requiring agencies to inform all employees who are authorized to grant or deny requests for reasonable accommodation that, under the "undue

hardship" standard set forth by Section 501's nondiscrimination requirement, all available resources are considered when determining whether a denial of reasonable accommodation based on cost is appropriate. In addition, the agency should ensure that relevant decision-makers are informed about various external resources that may be used to fund reasonable accommodations, including, for example, a centralized fund specifically created by the agency for providing reasonable accommodations, the Department of Defense Computer and Electronic Accommodations Program ("CAP"),<sup>39</sup> and agency funds that, although not designated specifically for providing reasonable accommodations, may be used for that purpose.

Other commenters stated that the rule should place further restrictions, in addition to those that already apply under 29 CFR part 1630, on the amount of medical information an agency may request to support a request for reasonable accommodation. Under current anti-discrimination standards, an agency cannot require supporting medical documentation if the existence of a disability and the need for accommodation are obvious, and can require no more than is necessary to establish the existence of a disability and the need for accommodation.<sup>40</sup> Because additional restrictions would deny agencies documentation necessary to establish disability and the need for accommodation, no additional restrictions have been adopted in the proposed rule.

#### *1614.203(d)(4) Accessibility of Facilities and Technology*

Many commenters stated that greater compliance with Section 508 of the Rehabilitation Act ("Section 508")<sup>41</sup> and the Architectural Barriers Act of 1968 ("ABA")<sup>42</sup> would improve the hiring, retention, inclusion, and advancement of individuals with disabilities. Section 508 requires all electronic and information technology purchased, maintained, or used by the agency to be accessible to people with disabilities, and the ABA requires the agency to ensure that its facilities are physically accessible to people with disabilities. Many of these commenters suggested more specifically that the Commission should issue or amend implementing regulations for these

laws, or otherwise strengthen their enforcement.

The Commission has not been given authority by Congress to issue or amend substantive regulations implementing Section 508 or the ABA, or to engage in or strengthen federal agencies' enforcement of those laws.<sup>43</sup> The Commission therefore cannot include in the proposed rule any provisions that implement or enforce these laws.

However, paragraph (d)(4) is intended to ensure that federal employees with disabilities have the information they need to utilize existing enforcement and compliance mechanisms. The paragraph requires agencies to provide all employees with contact information for the employees inside the agency who are responsible for ensuring compliance with these laws, and with clear instructions on how to file complaints under existing rules. It also requires agencies to assist employees in filing a complaint with another federal agency, where investigation shows that such other entity is responsible for the alleged violation.

#### *1614.203(d)(5) Personal Services Allowing Employees To Participate in the Workplace*

Personal services allowing employees to participate in the workplace may include assistance with eating, drinking, using the restroom, and putting on and taking off clothing. For many individuals with targeted disabilities such as paralysis or cerebral palsy, full participation in the workplace is impossible without such services. The lack of PAS in the workplace and/or the fear of losing personal services provided by means-tested assistance programs are stubborn and persistent barriers to employment for individuals with certain significant disabilities.

The nondiscrimination standards set forth under the ADA in 29 CFR part 1630, and incorporated into Section 501, already require agencies to provide certain job-related services to an individual with a disability as a reasonable accommodation if doing so enables the individual to apply for a job, perform job functions, or enjoy the benefits and privileges of employment, so long as the provision of such services does not impose an undue hardship on the agency. For example, an agency may be required to provide sign language

<sup>36</sup> Executive Order No. 13164, *supra* note 18; see also *Policy Guidance On Executive Order 13164*, *supra* note 12.

<sup>37</sup> See *Management Directive 715*, *supra* note 11, at B.V.

<sup>38</sup> Equal Emp't Opportunity Comm'n, *Instructions to Federal Agencies for EEO MD-715 I* (last updated July 20, 2004), available at <http://www.eeoc.gov/federal/directives/715instruct/section1.html> ("The Model EEO Program and Agency Self-Assessment Checklist").

<sup>39</sup> See generally Computer/Electronic Accommodations Program, <http://www.cap.mil> (last visited Aug. 3, 2015).

<sup>40</sup> See, e.g., *Policy Guidance On Executive Order 13164*, *supra* note 19.

<sup>41</sup> 29 U.S.C. 794d.

<sup>42</sup> 42 U.S.C. 4151-4157.

<sup>43</sup> Rulemaking authority for Section 508 and the ABA belongs to the Architectural and Transportation Barriers Compliance Board ("Access Board"). See 29 U.S.C. 792(b), 794d(a)(2). The Access Board also enforces the ABA. See 29 U.S.C. 792(e). Enforcement of Section 508 is accomplished by filing a complaint with the allegedly noncompliant agency. See 29 U.S.C. 794d(f).

interpreter services, assistance with note taking or photocopying, or use of a job coach as reasonable accommodations, absent undue hardship.

The provision of other personal services needed on the job, however, such as assistance with eating or using the restroom, is not considered a reasonable accommodation under the ADA, and therefore is not considered a reasonable accommodation for purposes of the nondiscrimination requirements of Section 501.<sup>44</sup> A number of commenters stated that agencies should, however, be required to provide PAS to individuals who need them because of a disability as part of the agencies' affirmative action obligations under Section 501. We adopt this suggestion at paragraph (d)(5). We note that several federal agencies currently provide PAS on a voluntary basis and have been doing so for several decades.<sup>45</sup>

Paragraph (d)(5) also clarifies that agencies can fulfill the PAS requirement by hiring persons who perform both PAS and additional tasks, including provision of professional services and other duties, as time permits. The agency can also require a person hired as a personal assistant to perform PAS for more than one individual with a disability. Thus, an agency might be able to satisfy this requirement by, for example, hiring a pool of personal assistants (either solely for assistance tasks or for assistance tasks and other professional services) throughout the agency or at a particular location.<sup>46</sup> The

pool hiring approach would be consistent with how many agencies currently address sign language interpreter needs. Whether this approach is feasible will depend on the particular services required and other relevant facts.

*1614.203(d)(6) and 1614.203(d)(7)  
Utilization Analysis and Goals*

A majority of commenters stated that agencies should be required to adopt employment goals for individuals with disabilities. Some commenters also stated that agencies should be required to adopt separate goals for individuals with disabilities in the higher ranks of the civil service.

Since 1987, federal agencies have been required by the EEOC to set numerical objectives (goals) for the number of people with targeted disabilities employed in their workforces and report that data annually to the Commission.<sup>47</sup> Since 2010, federal agencies have been required under Executive Order 13548 to set an internal goal for the percentage of employees with targeted disabilities and the percentage of employees with disabilities as defined under Section 501 in their workforces, and submit those targets to OPM. In OPM's report for fiscal year 2014, the percentage of employees with reportable disabilities in the federal government was 14.64% (191,086 individuals out of a federal workforce of 1,305,392).<sup>48</sup> The percentage of employees with targeted disabilities in the federal government was 1.18% (15,343 individuals).<sup>49</sup>

Paragraph (d)(7) sets forth the goals that the EEOC expects federal agencies to be able to achieve, based on current federal employment data. First, an affirmative action plan should adopt the goal of achieving a 12% representation rate for people with disabilities as defined by Section 501 at both the GS–

11 level<sup>50</sup> and above, including the Senior Executive Service (“SES”),<sup>51</sup> and at the GS–10 level and below. Second, the Plan should adopt the goal of achieving a 2% representation rate for individuals with targeted disabilities as defined by SF–256 at the GS–11 level and above (including SES), and at the GS–10 level and below.

The 12% goals established in paragraph (d)(7) are based, in part, on historical data on the employment of persons with disabilities in the federal workforce compiled by OPM. OPM data show that the federal government, viewed as a whole, has already reached a representation rate of 12% at both the GS–10 level and below and the GS–11 level and above.<sup>52</sup> Results from the most recent Federal Employee Viewpoint Survey further indicate that approximately 13.5% of the federal workforce identify as a person with a disability.<sup>53</sup>

It should be noted that the OPM data are based on persons who either self-identify as a person with a disability or are veterans with a disability rating of 30% or higher. These figures likely undercount the number of persons with disabilities as defined by Section 501 who are employed or available to be employed by the federal government—in the Commission's final rule implementing changes made by the ADAAA, the Commission estimated that as many as 60 million individuals, or approximately 24% of the eligible workforce, had ADA qualifying disabilities.<sup>54</sup>

The sub-goal for targeted disabilities is also based, in part, on historical data from OPM. Individuals with targeted disabilities currently make up 1.91% of

<sup>50</sup> Most federal employees are part of the General Schedule (GS) pay system. The General Schedule has fifteen grades—GS–1 (lowest) to GS–15 (highest). See generally *General Schedule Classification and Pay*, Office of Pers. Mgmt., <http://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/> (last visited Mar. 24, 2015).

<sup>51</sup> High-level leadership positions in the federal government are occupied by members of the SES. SES members have a different pay scale than employees who are part of the GS pay system. See generally *Senior Executive Service: Leading America's Workforce*, Office of Pers. Mgmt., <http://www.opm.gov/policy-data-oversight/senior-executive-service/> (last visited Mar. 24, 2015).

<sup>52</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25.

<sup>53</sup> *Governmentwide Unweighted Results: Demographic, Items 85–98*, Office of Pers. Mgmt., <http://www.fedview.opm.gov/2014/Reports/ResponsePCT.asp?AGY=ALL&SECT=8> (last visited July 28, 2015).

<sup>54</sup> See Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, 76 FR 16,978, 16,990 (March 25, 2011) (codified at scattered sections of 29 CFR part 1630).

<sup>44</sup> See 29 CFR part 1630, app. 1630.9.

<sup>45</sup> The Commission provides personal assistant services to employees with disabilities who require them. The Department of Labor, the Department of Transportation, and the Department of Justice's Civil Rights Division also provide workplace PAS for employees with disabilities. See Department of Labor statement of work on providing personal assistance services as a reasonable accommodation for qualified Department of Labor employees with disabilities (2014) (on file with the Commission); Dep't of Transp., *Disability Resource Center Services Handbook* (Nov. 2014), available at <http://www.transportation.gov/individuals/disability/disability-resource-center-drc-services-handbook> (providing guidance to the Department of Transportation on meeting its obligations regarding the retention and promotion of individuals with disabilities by providing personal assistance and other services); Civil Rights Div., U.S. Dep't of Justice, *Reasonable Accommodation Manual A.2.5* (n.d.) (on file with the Commission) (providing that the Civil Rights Division will provide part-time personal care attendants at work or on official travel when necessary and otherwise reasonable).

<sup>46</sup> The Department of Labor provides personal assistance services to qualified headquarter employees in this manner. A contractor provides and manages a pool of qualified personnel to provide personal assistance services to approximately 10 employees. Personal assistance tasks include assistance with general office tasks (filing, copying and collating, note taking, etc.), assistance with transportation and travel management (excluding driving, but including

overnight travel), assistance with evacuation during emergencies, assistance with personal care related needs on the job (removing or putting on coats, eating lunch, and taking bathroom breaks), assistance with computer technology, when appropriate, and reading services for visually impaired employees. Department of Labor statement of work, supra note 49.

<sup>47</sup> *Management Directive 715*, supra note 11, at B.VI; *Management Directive 713*, supra note 9, at ¶ 9.

<sup>48</sup> See Office of Pers. Mgmt., *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, 25 (Oct. 9, 2015) available at <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reports/disability-report-fy2014.pdf> (including individuals classified as “30% or more disabled veterans,” but excluding employees who are not on the GS or SES pay scales).

<sup>49</sup> *Id.* (excluding employees who are not on the GS or SES pay scales).

federal employees at the GS–10 level and below and approximately 0.8% of federal employees at the GS–11 level and above.<sup>55</sup> These figures are based on the number of persons who self-report as having targeted disabilities on SF–256. In addition, the Commission has encouraged federal agencies with 1,000 or more employees to set a goal of a 2% representation rate for individuals with targeted disabilities for some time.<sup>56</sup>

As with the data on the percentage of persons with disabilities in the federal workforce, there is reason to believe that these figures undercount the number of persons with targeted disabilities employed or available to be employed by the federal government. The American Community Survey (“ACS”), administered by the U.S. Census Bureau, asks a series of questions related to disability such as whether, due to a physical, mental, or emotional problem, the person has serious difficulty hearing, seeing (even with glasses), remembering, concentrating, or making decisions, walking or climbing stairs, bathing or dressing, and/or doing errands alone.<sup>57</sup> Using this definition, the ACS estimates that approximately 10.5% of the population aged 18–64 is a person with a disability.<sup>58</sup> Because the ACS frames its questions in terms of “serious difficulty,” it is likely that most of the persons falling within this definition would qualify as persons with targeted disabilities. In addition, there are likely persons with targeted disabilities as defined by SF–256, such as persons with epilepsy or certain psychiatric disabilities, who would not fall into the ACS definition.

Despite data suggesting that utilization goals higher than those proposed in paragraph (d)(7) for all disabilities and targeted disabilities could be justified, the Commission elects to establish targets that are in line with, but slightly above, historic utilization patterns in the federal government. The goals in paragraph (d)(7) are aggressive in comparison with

those imposed on federal contractors by the regulations implementing Section 503 of the Rehabilitation Act<sup>59</sup> and, at the same time, readily achievable based on current federal employment data. The Commission expects that early successes in meeting the goals will create momentum for higher agency targets in the future.

Paragraph (d)(7) further states that the utilization goals for persons with disabilities and for persons with targeted disabilities will be assessed both above and below the GS–10 level, including SES. This was done for two reasons. First, OPM employment data show that individuals with disabilities are disproportionately represented at lower levels of employment within the federal government. In fiscal year 2014, the representation rate of individuals with disabilities at the GS–11 level and above was roughly 30% lower than their representation rate at the GS–10 level and below, and the representation rate of individuals with targeted disabilities was almost 60% lower at the GS–11 level and above.<sup>60</sup> Establishing a separate goal for representation at GS–11 and above should rectify this imbalance.

Second, the Commission does not wish to see a rise in the representation of individuals with disabilities as defined by Section 501 at higher levels of employment be accompanied by a corresponding fall in their representation rate at lower levels. As a result, the proposed rule also requires agencies to adopt the goal of achieving a 12% representation rate for individuals with disabilities as defined by Section 501 and a 2% representation rate for individuals with targeted disabilities as defined by SF–256 at the GS–10 level and below.

Paragraph (d)(6) requires agencies to perform the workforce analysis necessary to determine whether these goals set forth in paragraph (d)(7) have been met. The paragraph clarifies that the analysis must be performed on an annual basis, and that it may classify individuals as having disabilities or targeted disabilities on the basis of records relating to self-identification via SF–256, appointment of individuals under noncompetitive disability-related hiring authorities, and requests for reasonable accommodation. This

workforce analysis is largely consistent with what is currently required under MD–715.<sup>61</sup>

The Commission recognizes that there are many reasons why it may take some agencies more time than others to meet the utilization goals, such as budgetary constraints (including hiring freezes), the number of additional individuals with targeted disabilities that would have to be hired to achieve the goals, and the nature of certain jobs within an agency’s workforce that may include valid physical standards that individuals with certain disabilities may not be able to meet. The rule therefore does not specify a timeframe for achieving the goals. Rather, the rule requires each agency to create and submit a Plan that includes specific steps reasonably designed to gradually increase the number of employees with disabilities and targeted disabilities, with the objective of achieving the goals established pursuant to paragraph (d)(7)(i) of this section. Paragraph (d)(7)(ii) provides examples of such steps, including increased use of hiring authorities that take disability into account, additional outreach and recruitment efforts, disability-related training for all employees, and adoption of training, internship, and mentoring programs for individuals with disabilities. The rule explicitly provides that the Commission will not disapprove a Plan solely because the agency has failed to meet a goal.

Although Section 501 generally prohibits employers from asking questions about whether an applicant has a disability before making a job offer, there are still a number of ways that agencies may learn about a particular applicant’s disability. First, the applicant may choose to disclose his or her disability, or the disability may

<sup>55</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25 (excluding employees not on the SES or GS pay scales).

<sup>56</sup> See Equal Emp’t Opportunity Comm’n, *Annual Report on the Federal Work Force Part II Work Force Statistics Fiscal Year 2011* 1–23 (n.d.), available at [http://www.eeoc.gov/federal/reports/fsp2011\\_2/upload/fsp2011\\_2.pdf](http://www.eeoc.gov/federal/reports/fsp2011_2/upload/fsp2011_2.pdf).

<sup>57</sup> See *American Community Survey (ACS)*, U.S. Census Bureau, <https://www.census.gov/people/disability/methodology/acs.html> (last visited July 28, 2015).

<sup>58</sup> *2013 American Community Survey 1-Year Estimates: Disability Characteristics*, U.S. Census Bureau, [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_1YR\\_S1810&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1810&prodType=table) (last visited July 28, 2015).

<sup>59</sup> See 41 CFR 60–741.45(a) (establishing a utilization goal of 7% for employment of individuals with disabilities for the contractor’s entire workforce or each job group in the contractor’s workforce).

<sup>60</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25 (excluding employees not on the SES or GS pay scales).

<sup>61</sup> See *Management Directive 715*, supra note 11, at B.III. MD–715 requires agencies to collect data on the total workforce distribution of employees with disabilities for both the permanent and temporary workforce; the representation and distribution of employees with disabilities, by grade, in both the permanent and temporary workforce; the permanent and temporary workforce participation of employees with disabilities in major occupational groups by grades; the representation of individuals with disabilities among applicants for permanent and temporary employment; the representation of employees with disabilities among those who received promotions, training opportunities and performance incentives; and the representation of employees with disabilities among those who were voluntarily and involuntarily separated. MD–715 requires that agencies separately identify applicants and employees with targeted disabilities. *Id.* The Directive explains that each agency must collect and evaluate this data in order to make “an informed assessment about the extent to which the agency is meeting its responsibility to provide employment opportunities for qualified applicants and employees with disabilities, especially those with targeted disabilities.” *Id.*



be obvious. Second, the disability may be disclosed in paperwork establishing eligibility for appointment under the Schedule A hiring authority for persons with certain disabilities. Third, an employer is permitted to invite job applicants to self-identify as individuals with disabilities or targeted disabilities prior to a conditional offer of employment, if the invitation is made pursuant to an affirmative action program for people with disabilities, and if the information is used only for that purpose.<sup>62</sup>

#### 1614.203(d)(8) Recordkeeping

This paragraph sets forth the recordkeeping requirements imposed by the rule, and directs agencies to make the required records available to the Commission upon request. The required records are necessary for an agency to determine whether it is providing “adequate hiring, placement, and advancement opportunities for individuals with disabilities,” as required under Section 501. Specifically, the rule requires that each agency keep a record of: (1) The number of individuals with disabilities and the number of individuals with targeted disabilities who apply for employment; (2) the number of individuals with disabilities and the number of individuals with targeted disabilities that the agency hires; (3) the number of adverse actions the agency takes based on medical information, including rescissions of conditional job offers; and (4) details regarding all requests for reasonable accommodation the agency receives.

A significant number of commenters stated that the rule should require agencies to track the careers of individuals who are appointed under the Schedule A hiring authority for persons with certain disabilities, to ensure that they are appropriately converted to a career or career-conditional appointments in the competitive service and promoted. The paragraph adopts this suggestion, and, accordingly, requires agencies to keep records of the date of hire, entering grade level, probationary status, and current grade level of each employee hired under that authority, as well as the number of such employees converted to the competitive service each year.

<sup>62</sup> See, e.g., Letter from Peggy R. Mastroianni, Legal Counsel, Equal Emp’t Opportunity Comm’n, to Patricia A. Shiu, Director, Office of Fed. Contract Compliance Programs, Dep’t of Labor (Aug. 8, 2013), available at <http://www.dol.gov/ofccp/regs/compliance/section503.htm> (follow “EEOC Opinion on the Invitation to Self-Identify” hyperlink).

#### 1614.203(e) Reporting

This paragraph sets forth the reporting requirements imposed by the rule. As provided under Section 501,<sup>63</sup> the paragraph requires each agency to submit a copy of its Plan to the Commission on an annual basis, the results of the two most recent workforce analyses performed pursuant to paragraph (d)(7), and the number of employees appointed under the Schedule A hiring authority for persons with certain disabilities. The proposed paragraph does not specify the precise time and manner of submission, as EEOC intends to reconcile this regulation’s reporting requirements with existing obligations under MD-715 following final promulgation of the rule. As suggested by several commenters, the paragraph also requires agencies to make the information submitted to the Commission available to the public.

#### 1614.203(f) Commission Approval and Disapproval

Paragraph (1) provides that the Commission will approve a Plan if it determines that the Plan, as implemented, meets the requirements set forth in paragraph (d) of this section. Paragraph (2) provides that the Commission will disapprove a Plan if it determines that the Plan, as implemented, does not meet those requirements. The paragraph further clarifies that failure to achieve a goal set forth in proposed paragraph (d)(8)(i), by itself, is not grounds for disapproval unless the Plan fails to require the agency to take specific steps that are reasonably designed to achieve the goal.

#### Request for Comments

The Commission invites comments on all aspects of the proposed regulation. In addition, it invites comments on the following specific issues.

As discussed above, agencies are not required to provide PAS, such as assistance with eating or using the restroom, under the reasonable accommodation standards set forth in 29 CFR part 1630. The unavailability of PAS, however, is a significant hindrance to the employment of persons with certain targeted disabilities. Paragraph (d)(6) addresses this concern by requiring agencies to provide PAS to employees with disabilities as part of the agencies’ affirmative action obligations under Section 501. To ensure that the Commission’s final decision whether to include this requirement is based on a sound record, the Commission invites responses to the following questions:

<sup>63</sup> 29 U.S.C. 791(b).

1. Should Section 501 regulations require agencies to provide PAS to employees who need them because of a disability while they are on the job or on job-related travel as part of the affirmative action obligation? Do the services described in the regulations accurately capture the PAS that a person with a disability might require?

2. If the rule should require agencies to provide PAS, should assistants be assigned to a particular individual, or should they respond to requests for PAS by different individuals, as needed? Should the agency be allowed to assign non-PAS tasks to assistants when no personal assistance is required?

3. The proposed rule does not address how the obligation to provide PAS would be enforced. The Commission is requiring that agencies provide PAS as part of their affirmative action obligations under Section 501. Affirmative action obligations, such as employment goals or advancement plans, are not generally enforceable through the part 1614 process. The requirement to provide PAS is unlike most general affirmative action obligations, however, as an agency’s failure to comply with this obligation will directly harm specific, identifiable individuals. The Commission invites comments on (a) whether the Commission should enforce the PAS requirement in the manner envisioned in paragraph (f) of the proposed rule, or instead offer a process through which individuals denied PAS can request that the Commission review agency denials and order relief to persons wrongly denied those services.

4. Is the Commission’s estimate of the costs associated with a PAS requirement, discussed in the regulatory procedures section below, accurate? If not, what is a more accurate estimate? Would particular agencies, or types of agencies, experience significant logistical difficulties in complying with the PAS requirement? What is a realistic estimate of costs arising from offering a process for enforcement of the obligation to provide PAS? Please include supporting references.

The Commission also invites responses to the following general questions regarding the proposed rule:

5. EEOC is interested in learning from the public what would be appropriate minimum standards for federal agencies regarding goals for hiring of persons with disabilities. As proposed, the goals for representation rates have been set at 12% for individuals with all disabilities and 2% for individuals with targeted disabilities. Are these levels appropriate? What data exists that show

that the goals should either be higher or lower than in this proposed rule?

6. EEOC is interested in whether agencies should maintain a file or database of individuals who have been determined to be eligible for appointment under a hiring authority that takes disability into account, but who have not been hired by the agency. EEOC is interested in whether such individuals should be asked whether they wish to be included in such a database, or whether the database should be created automatically from those who apply via a hiring authority that takes disability into account.

7. EEOC requests comments from the public on any of the standards proposed in this rule governing affirmative action with respect to the hiring, advancement, and retention of federal employees with disabilities. This includes the PAS requirement, the utilization analysis and goals provision, and the recordkeeping and reporting requirements. It also includes the affirmative action requirements related to reasonable accommodations. EEOC requests any data or evidence that shows that these standards are either too strict or too lenient and any information on the costs and benefits related to each standard.

### Regulatory Procedures

*Executive Order 13563*<sup>64</sup> and *Executive Order 12866*<sup>65</sup> (*Regulatory Planning and Review*)

This proposed rule has been drafted and reviewed in accordance with Executive Order 13563 and Executive Order 12866. This rule has been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the proposed rule has been reviewed by the Office of Management and Budget.

Executive Order 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its cost (recognizing that some benefits and costs are difficult to quantify); to tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives; and to select, from among alternative regulatory approaches, including the alternative of not regulating, those approaches that maximize net benefits (including potential economic, environmental, public health and safety,

and other advantages, distributive impacts, and equity).

Executive Order 12866 directs agencies to submit a regulatory impact analysis for those regulatory actions that are “economically significant” within the meaning of section 3(f)(1).<sup>66</sup> A regulatory action is economically significant under section 3(f)(1) if it is anticipated (1) to “[h]ave an annual effect on the economy of \$100 million or more,” or (2) to “adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.”<sup>67</sup> Executive Order 13563 reaffirms the principles established by Executive Order 12866, and further emphasizes the need to reduce regulatory burden to the extent feasible and permitted by law.<sup>68</sup>

Currently, guidance on the federal government’s obligation to engage in affirmative action for individuals with disabilities is scattered throughout a number of overlapping Executive Orders,<sup>69</sup> management directives,<sup>70</sup> and guidance and policy documents.<sup>71</sup> In contrast, the Commission’s current Section 501 regulations do not provide a detailed explanation of what an agency must do to comply with its Section 501 affirmative action obligations, or of how the Commission will assess Plans submitted to it for approval pursuant to 29 U.S.C. 791(b).<sup>72</sup>

The proposed rule is necessary to ensure that federal agencies’ affirmative action obligations are in a regulation, rather than merely in management directives and sub-regulatory guidance, so that the obligations will have the

<sup>66</sup> Executive Order 12866 refers to “those matters identified as, or determined by the Administrator of [the Office of Information and Regulatory Affairs] to be, a significant regulatory action within the scope of section 3(f)(1).” *Id.* The Office of Management and Budget states that “Executive Order 12866 requires agencies to conduct a regulatory analysis for economically significant regulatory actions as defined by Section 3(f)(1).” Office of Mgmt. & Budget, *Circular A-4* (Sept. 17, 2003), available at [http://www.whitehouse.gov/omb/circulars\\_a004\\_a-4](http://www.whitehouse.gov/omb/circulars_a004_a-4).

<sup>67</sup> Executive Order No. 12866, *supra* note 65.

<sup>68</sup> Executive Order No. 13563, *supra* note 64.

<sup>69</sup> See, e.g., Executive Order No. 13164, *supra* note 18; Executive Order No. 13548, *supra* note 11.

<sup>70</sup> See, e.g., *Management Directive 715*, *supra* note 11.

<sup>71</sup> See, e.g., *Policy Guidance on Executive Order 13164*, *supra* note 19; *Promoting Employment of Individuals with Disabilities in the Federal Workforce*, *supra* note 21. See generally *supra* notes 9 through 23 and accompanying discussion.

<sup>72</sup> See 29 CFR 1614.203(a) (stating only that the federal government shall be a “model employer of individuals with disabilities,” and instructing federal agencies to “give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities”).

force of law. Moreover, by compiling federal agencies’ affirmative action obligations in one place, rather than in a range of documents, none of which are comprehensive, the proposed rule would provide agencies with easy access to the necessary information, thereby facilitating increased compliance.

The Commission has determined that the proposed rule will have an annual effect of less than \$100 million on federal agencies, including both estimated costs and estimated savings arising from the rule, based on the high estimate of projected costs. In addition, the rule is expected to result in one-time compliance costs for agencies of approximately \$90,448.20, and have a variety of positive qualitative and dignitary benefits. The Commission’s economic impact analysis is presented immediately below.

Many of the proposed requirements will have no economic effect, because they will impose no new requirements or burdens on federal agencies—

- Paragraph (a), which sets forth definitions of key terms, imposes no requirements.
- Paragraph (b), which provides that Section 501 prohibits discrimination on the basis of disability, and that the standards for determining whether Section 501 has been violated in a complaint alleging employment discrimination are the same standards applied under the ADA, merely revises paragraph (b) in the current regulations for clarity.
- Paragraph (c), which requires agencies to be model employers of individuals with disabilities, is identical to paragraph (a) of the current regulations.

• The requirement to adopt an affirmative action plan, in paragraph (d) of the proposed rule, is imposed by Section 501.<sup>73</sup>

- Paragraphs (d)(1)(i), which requires outreach, and (d)(1)(iii), which requires agencies to take steps to ensure that individuals with disabilities have sufficient advancement opportunities, impose no new annual burden on agencies because they provide guidance on how to fulfill existing requirements, rather than impose new ones.<sup>74</sup>

<sup>73</sup> 29 U.S.C. 791(b).

<sup>74</sup> See, e.g., 29 CFR 1614.102(a)(10), (a)(11), (a)(13), (b)(1); *Promoting Employment of Individuals with Disabilities*, *supra* note 21; *Policy Guidance on Executive Order 13164*, *supra* note 19; *Management Directive 715*, *supra* note 11. Indeed, the Commission anticipates that the additional guidance contained in the proposed rule, in the form of helpful examples and suggestions, will reduce agency burden by making it easier to satisfy the existing requirements. However, because the

<sup>64</sup> Executive Order No. 13563, 3 CFR 215 (2011), available at [http://www.whitehouse.gov/sites/default/files/omb/infreg/eo12866/eo13563\\_01182011.pdf](http://www.whitehouse.gov/sites/default/files/omb/infreg/eo12866/eo13563_01182011.pdf).

<sup>65</sup> Executive Order No. 12866, 3 CFR 638 (1993), available at <http://www.whitehouse.gov/sites/default/files/omb/infreg/eo12866.pdf>.

• The requirements of paragraph (d)(3)(i), which requires written reasonable accommodation procedures, and paragraph (d)(3)(iii), which requires agencies to provide individuals who have been denied a reasonable accommodation with written notice of the reasons for the denial, are taken from MD-715, Executive Order 13164, and existing agency guidance.<sup>75</sup>

• The recordkeeping requirements of paragraph (d)(8), with the exception of (d)(8)(iii) and (d)(8)(iv) (discussed below), are taken from MD-715.

• The requirement to submit an Affirmative Action Plan to the Commission for approval on an annual basis, found in (e)(1), is imposed by Section 501.<sup>76</sup>

Other requirements of the proposed rule will impose no new burdens on federal agencies because they codify aspects of the existing MD-715 and program review processes. MD-715 requires agencies to conduct annual internal reviews of their policies, practices, and procedures to determine whether they provide sufficient employment opportunities to qualified applicants and employees with disabilities, especially those with targeted disabilities. As part of this analysis, agencies must determine the numerical representation and distribution of applicants and employees with disabilities and targeted disabilities.<sup>77</sup>

Many of these requirements are reflected in the proposed rule. Paragraph (d)(6) reaffirms that agencies are required to gather distribution data in order to assess whether individuals with disabilities and individuals with targeted disabilities are being given sufficient employment opportunities and paragraph (d)(7)(ii) reaffirms that additional steps must be taken, as appropriate, to address statistical disparities.<sup>78</sup>

Commission does not have any data upon which to base an estimate of time saved, it does not quantify that benefit here.

<sup>75</sup> See *Policy Guidance on Executive Order 13164*, *supra* note 19.

<sup>76</sup> 29 U.S.C. 791(b).

<sup>77</sup> See *Management Directive 715*, *supra* note 11, at B.III. MD-715 also requires agencies to determine whether they are meeting obligations imposed by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., on an annual basis. See *Management Directive 715*, *supra* note 11, at A. Those requirements are not relevant to this rulemaking.

<sup>78</sup> The Commission recognizes that proposed paragraph (d)(7)(i) requires agencies to adopt specific goals for employment of individuals with all disabilities and individuals with targeted disabilities for purposes of this assessment, and that this aspect of the proposed rule may impose annual burdens on federal agencies. The burdens associated with (d)(7)(i) are discussed below, and the Commission seeks comment on the estimated costs provided.

The following aspects of the rule, all of which require agencies to make certain information more readily available, may impose one-time compliance costs on federal agencies:

- Paragraph (d)(2) requires agencies to clarify in their harassment policies that disability-based harassment is prohibited;
- (d)(3)(ii) requires agencies to inform all employees who are authorized to grant or deny requests for reasonable accommodation about reasonable accommodation funding;
- (d)(4) requires agencies to make certain contact information available to employees; and
- (e)(2) requires agencies to make their Affirmative Action Plans available to the public.

We estimate that agencies will spend approximately 5 hours performing these tasks, updating policies, and checking for compliance. Multiplying by the number of agencies covered by the rule (218)<sup>79</sup> yields a total of 1090 burden hours. We assume that these tasks will be performed by an employee at the GS-14 step 5 level, in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA region.<sup>80</sup> The hourly compensation rate for such an employee, adjusted to include benefits, is \$82.98 per hour,<sup>81</sup> yielding a total estimated cost of \$90,448.20.

Other aspects of the proposed rule will impose recurring or ongoing costs on federal agencies.

Paragraph (d)(1)(ii) requires agencies to ensure that staff are available to perform certain tasks. We provide both a high and a low estimate of the annual costs associated with this requirement. To calculate the high estimate, we assume that each covered agency will

<sup>79</sup> The number of agencies covered by the requirements of MD-715 varies from year to year. The number of agencies covered in Fiscal Year 2014 was 218.

<sup>80</sup> Pay rates for employees at the GS-14 level depend on the within-grade level, or "step," of the employee, which ranges between one and ten, and on the geographic location of the employee. See generally *General Schedule Classification and Pay*, *supra* note 50. The Commission realizes that not all of these tasks will be performed by employees meeting these criteria; the assumption is made purely for purposes of the economic analysis.

<sup>81</sup> See Office of Pers. Mgmt., *Salary Table 2015-DCB: Hourly Basic (B) Rates by Grade and Step, Hourly Overtime (O) Rates by Grade and Step* (Jan. 2015), available at [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/15Tables/pdf/DCB\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/15Tables/pdf/DCB_h.pdf) (providing hourly monetary compensation rates); Congressional Budget Office, *Comparing the Compensation of Federal and Private-Sector Employees* 9 (Jan. 2012), available at [https://www.cbo.gov/sites/default/files/01-30-FedPay\\_0.pdf](https://www.cbo.gov/sites/default/files/01-30-FedPay_0.pdf) (reporting that the cost of providing benefits to federal workers averages between \$15.50 and \$24.70 per hour). For purposes of this analysis, we assume a cost of \$24.70 per hour for benefits.

need to hire at least one new employee to perform the required tasks, at the GS-14 step 5 level, in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA region. The compensation rate for a government employee at this level, adjusted to include benefits, is \$173,011.00 per year.<sup>82</sup> Multiplying by the number of agencies covered by the rule yields a total cost of \$37,716,398.00.

To calculate the low estimate, we note that almost all federal agencies already employ personnel who provide these services. For example, agencies already employ 229 Disability Program Managers ("DPMs") or Selective Placement Program Coordinators ("SPPCs") (who perform, among other things, certain tasks of a DPM),<sup>83</sup> most commonly at the GS-12 or GS-13 level. We assume that approximately 10% of agencies, or 22 agencies, will need to hire a new staff person at the GS-12 step 5 level, in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA region. The annual salary of such an employee, adjusted to include benefits, is \$137,940.00.<sup>84</sup> Multiplying by 22 yields a total annual cost of \$3,034,680.00.

Based on the two calculations above, the Commission estimates that paragraph (d)(1)(ii) will result in recurring annual costs of between approximately \$3,034,680.00 at the low end and \$37,716,398.00 at the high end.

Paragraph (d)(7)(i), which requires agencies to adopt specific goals for employment of individuals with all disabilities and individuals with targeted disabilities, is likely to impose recurring or ongoing costs on federal agencies in three respects.

First, to determine whether the goals have been met, agencies will need to determine—

- the percentage of employees at the GS-11 level or above, including SES, who are individuals with disabilities;
- the percentage of employees at the GS-11 level or above, including SES,

<sup>82</sup> See Office of Pers. Mgmt., *Salary Table 2015-DCB: Annual Rates by Grade and Step* (Jan. 2015), available at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/15Tables/pdf/DCB.pdf> (providing annual monetary compensation rates); *Comparing the Compensation of Federal and Private-Sector Employees*, *supra* note 88, at 9.

<sup>83</sup> See *Disability Employment: Selective Placement Program Coordinator Directory*, Office of Pers. Mgmt., <http://www.opm.gov/policy-data-oversight/disability-employment/selective-placement-program-coordinator-directory/> (last visited Aug. 3, 2015).

<sup>84</sup> See *Salary Table 2015-DCB: Annual Rates by Grade and Step*, *supra* note 82; *Comparing the Compensation of Federal and Private-Sector Employees*, *supra* note 81, at 9.

who are individuals with targeted disabilities;

- the percentage of employees at the GS–10 level or below who are individuals with disabilities; and
- the percentage of employees at the GS–10 level or below who are individuals with targeted disabilities.

Associated costs should be minimal. OPM already gathers data on the representation of individuals with disabilities and individuals with targeted disabilities at each grade level within each agency. The OPM data include employees classified as veterans with 30% or more disability.<sup>85</sup> Agencies therefore may make the required determinations by requesting the relevant raw data from OPM, and performing the four simple calculations noted above. The Commission estimates that agencies will spend 2 hours to perform the required analysis, to determine whether goals have been met, and to maintain the associated records, on an annual basis. Multiplying by the number of agencies covered by the rule yields a total of 436 burden hours. We assume that these tasks will be performed by an employee at the GS–14 step 5 level in the Washington-Baltimore-Northern Virginia, DC–MD–VA–WV–PA region, at an hourly rate of \$82.98 per hour (adjusted to include benefits).<sup>86</sup> Multiplying the hourly rate by the number of burden hours yields a total recurring annual cost of \$36,179.28.

Second, because paragraph (d)(7)(i) encourages federal agencies to hire individuals with disabilities, it may impose ongoing costs by increasing the number of federal employees who need a reasonable accommodation.

We first consider the number of additional employees who will need a reasonable accommodation. Because research shows that the federal government as a whole has already achieved a representation rate of 12% for people with disabilities as defined by Section 501 both at the GS–10 level and below and at the GS–11 level and above,<sup>87</sup> the Commission does not expect that agencies will hire a large number of individuals who have disabilities as defined under Section

501, but do not have targeted disabilities, as a result of the rule.

However, the federal government will need to hire additional individuals with targeted disabilities to meet the 2% goals at the GS–10 level and below and at the GS–11 level and above.<sup>88</sup> Data show that individuals with targeted disabilities currently represent 1.81% of federal employees at the GS–10 level and below, and that approximately 384 additional employees with targeted disabilities are required to reach the 2% goal.<sup>89</sup> Such individuals represent approximately 0.8% of federal employees at the GS–11 level and above, and approximately 10,381 additional individuals with targeted disabilities are required to reach the goal.<sup>90</sup> Although many of these 10,765 additional employees will not need reasonable accommodations, we assume for purposes of this economic analysis that they will.

We next consider the cost of the required accommodations. Although many accommodations have no financial cost,<sup>91</sup> we assume for purposes of this economic analysis that the needed accommodations will have a cost. The Job Accommodation Network (“JAN”) has found that, if an accommodation has a cost, it will typically be approximately \$500.00. While some accommodations will cost more (for example sign language interpreters or specialized computer equipment), they are the exception rather than the rule. Multiplying the estimated 10,765 additional federal employees who will need reasonable accommodations by the estimated cost of \$500.00 per accommodation yields a total estimated recurring<sup>92</sup> cost of \$5,382,500.00.

Third, again because paragraph (d)(7)(i) encourages the hiring of individuals with disabilities, it may impose ongoing costs arising from the obligation to provide PAS to new

employees under paragraph (d)(5) of the proposed rule. The Commission estimates that between 1.1% and 2.0% of the estimated 10,765 additional federal employees, or between 118 and 215 individuals, will require PAS to function in the workplace.<sup>93</sup> Further, although the proposed rule allows agencies to hire a single personal assistant to provide services to multiple individuals, and to require personal assistants to perform additional duties, we nevertheless assume for the purposes of this analysis that each individual who will be entitled to PAS under the proposed rule will require a dedicated personal assistant for 40 hours per week.<sup>94</sup> We provide both a high and a low estimate of associated costs under these assumptions.

To calculate the low estimate, we assume that the agency will hire personal assistants on a contract basis,

<sup>93</sup> The Commission is aware of only one study that asks specifically about the need for personal assistance services among persons with disabilities in the workplace. The low estimate is based on that study’s finding that 1.1% of surveyed individuals with disabilities reported the need to have a personal assistant to help with job-related activities as a reasonable accommodation. See Craig Zwerling, et al., *Workplace Accommodations for People with Disabilities: National Health Interview Survey Disability Supplement, 1994–1995*, 45 J. Occupational & Env’tl. Med. 517, 519 (2003). This study only included employed individuals with disabilities. The Commission recognizes that, because individuals who need personal assistance services have disproportionately high unemployment rates, the study likely underestimates the percentage of such individuals in the labor pool.

However, there is very little research on which to base an estimate of the difference between the need for personal assistance services at work among individuals who are currently employed and individuals who are unemployed but seeking work. The Commission is only aware of one study, conducted in 2003, that partially addressed this issue. That study found that approximately 7.7% of employed individuals with disabilities reported difficulty with self-care, while approximately 8.6% of individuals with disabilities who were unemployed and seeking work reported such difficulty. See Susan Stoddard et al., *Personal Assistance Services as a Workplace Accommodation*, 27 Work 363, 364 (2006). Because difficulty with self-care is not equivalent to the need for personal assistance services at work, those findings are not apposite. However, the 0.9% difference in difficulty with self-care between the two populations may be used as an estimate of differences in self-care-related needs more generally. Therefore, in order to calculate the high estimate, the Commission assumes that an additional 0.9% of the additional hires, or a total of 2%, will require personal assistance services.

<sup>94</sup> Because individuals who require personal assistance services generally do not require them continuously throughout the workday, the cost of providing such services to a single individual will represent a fraction of this figure. See, e.g., Tatiana I. Solovieva et al., *Cost of Workplace Accommodations for Individuals with Disabilities: With or Without Personal Assistance Services*, 2 Disability & Health J. 196, 201 (2009) (reporting that the median annual cost of accommodations for individuals who need personal assistance services is \$8000.00).

<sup>85</sup> See, e.g., *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25.

<sup>86</sup> See *Hourly Basic (B) Rates by Grade and Step*, supra note 81; *Comparing the Compensation of Federal and Private-Sector Employees*, supra note 81, at 9.

<sup>87</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25.

<sup>88</sup> The regulation does not require agencies to create positions or vacancies for persons with targeted disabilities; agencies may place individuals with targeted disabilities into existing vacancies.

<sup>89</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25.

<sup>90</sup> See *id.*

<sup>91</sup> See Job Accommodation Network, *Workplace Accommodations: Low Cost, High Impact 3* (updated Sept. 1, 2014), available at <http://askjan.org/media/downloads/LowCostHighImpact.pdf> (finding that 57% of all reasonable accommodations have no costs).

<sup>92</sup> See *id.* We note that JAN’s estimate of \$500.00 is for one-time costs associated with providing a reasonable accommodation. However, given the limitations of the study, JAN was unable to provide an estimate of ongoing or annual costs. We therefore assume a cost of \$500.00 per year for purposes of this estimate.

at market rates. The average hourly wage for a personal assistant is approximately equivalent to the federal contract employee minimum hourly wage of \$10.10.<sup>95</sup> Multiplying this amount by the approximate total number of work hours per year (2,080) yields a total annual cost of \$21,008.00 per assistant. Multiplying by the low estimate of the number of new hires expected to require PAS (118) yields a total cost of \$2,478,944.00 per year. Multiplying by the high estimate of the number of new hires expected to require PAS (215) yields a total cost of \$4,516,720.00 per year.

To calculate the high estimate, we assume that the agency will hire the personal assistant at the GS-5 step 5 level, in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA region. The annual compensation rate for such an employee, adjusted to include benefits, is \$64,581.97.<sup>96</sup> Multiplying by the low estimate of the number of new hires expected to require PAS (118) yields a total cost of \$7,620,672.46 per year. Multiplying by the high estimate of the number of new hires expected to require such services (215) yields a total cost of \$13,885,123.55 per year.

In addition, some existing federal employees may receive PAS from federal agencies as a result of the rule. The Commission is not aware of any existing data concerning the number of such employees, and is not aware of any means of determining that number short of surveying the entire federal workforce. The Commission is aware of one 2003 study measuring the number of employed individuals who require personal services at work because of a disability.<sup>97</sup> That study found that 1.1%

<sup>95</sup> See, e.g., Douglas Klayman, et al., Soc. Dynamics, LLC, *Funding Options for Personal Assistance Services* 16 (2009), available at [www.dol.gov/odep/research/FundingOptionsPersonalAssistanceServices\(PAS\).pdf](http://www.dol.gov/odep/research/FundingOptionsPersonalAssistanceServices(PAS).pdf) (finding that the average hourly wage was \$9.11); Denetta L. Dowler et al., *Personal Assistance Services in the Workplace: A Literature Review*, 4 *Disability & Health J.* 201, 206 (2011) (finding that the average hourly wages of between \$8.18 and \$12.00); Tatiana I. Solovieva et al., *Personal Assistance Services (PAS) for Individuals with Disabilities: Self-Care at the Workplace*, 36 *Work* 339, 341 (2010) (reporting an average hourly wage of \$8.34). The federal contract employee minimum hourly wage was adopted under Executive Order No. 13658, 79 FR 9851 (Feb. 12, 2014), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-02-20/pdf/2014-03805.pdf>.

<sup>96</sup> To adjust for the cost of benefits, we divided the annual salary for an employee at this level (\$39,395.00) by 0.61. See *Salary Table 2015-DCB: Annual Rates by Grade and Step*, supra note 82; *Comparing the Compensation of Federal and Private-Sector Employees*, supra note 88, at 9 (reporting that benefits account for 39% of the cost of total compensation for federal workers).

<sup>97</sup> See Craig Zwerling et al., supra note 93.

of individuals who had medical conditions resulting in certain serious functional limitations<sup>98</sup> required “a personal assistant to help with job-related activities.”<sup>99</sup>

In practice, however, the Commission suspects that the number of existing federal employees who would receive PAS as a result of this rule is close to zero. Individuals who require PAS because of a disability typically cannot work, because once an individual begins to earn an income the cost of the required assistance is shifted away from the public benefit system and onto the individual. One study has found that an individual would need to earn approximately \$40,000.00 per year simply to offset the accompanying loss of benefits.<sup>100</sup> Even at higher salaries, the benefits of working would be marginal.

Nevertheless, because the Commission lacks any other source of data on the issue, we estimate for purposes of this economic analysis that 1.1% of existing federal employees with targeted disabilities will be given PAS by their employing agencies as a result of the proposed rule.<sup>101</sup> There are approximately 1,343 individuals with targeted disabilities in the federal workforce.<sup>102</sup> Multiplying that number by 0.011 yields an estimated total of 169

<sup>98</sup> Specifically, the study included individuals who had “difficulty with [activities of daily living] (bathing, dressing, eating, getting in or out of bed or chair, or using the toilet); difficulty with [instrumental activities of daily living] (preparing own meals, shopping for personal items, using the telephone, doing heavy work around the house, or doing light work around the house); functional limitations (lifting 10 pounds, walking up 10 steps, walking a quarter mile, standing for 20 minutes, bending down from a standing position, reaching over the head, using the fingers to grasp or handle something, or holding a pen or pencil); difficulty seeing (even with their glasses); difficulty hearing (even with a hearing aid); reported mental health or cognitive diagnoses (Down’s Syndrome, mental retardation, schizophrenia, delusional disorders, bipolar disorder, major depression, severe personality disorder, alcohol abuse, drug abuse, other mental or emotional conditions); or reported use of a cane, crutches, walker, wheelchair. Or scooter to get around.” *Id.* at 518.

<sup>99</sup> *Id.* at 519.

<sup>100</sup> See Douglas Klayman, et al., supra note 95, at 17.

<sup>101</sup> The 2003 study found that 1.1% of persons with medical conditions resulting in certain serious functional limitations require personal assistance in the workplace. Craig Zwerling et al., supra note 93, at 519. The group of individuals included in the study more closely matches the definition of “targeted/severe disability” than the definition of “disability,” as those terms are used in this rule. See note 98, supra. As noted above, the definition of “disability” is to be construed much more broadly for purposes of Section 501.

<sup>102</sup> See *Report on the Employment of Individuals with Disabilities in the Federal Executive Branch: Fiscal Year 2014*, supra note 48, at 25 (excluding employees who are not on the GS or SES pay scales).

current federal employees who require personal assistance services.

We are aware that at least 16 current federal employees are already being provided PAS at the agency’s expense. Because provision of PAS to these individuals would not represent new costs to these agencies, we exclude these individuals from the analysis, which leaves 153 individuals who will receive PAS from their employing agencies as a result of the rule. Multiplying that number by the low estimate of the associated costs as calculated above (\$21,008.00) yields an estimated cost of \$3,214,224.00. Multiplying by the high estimate of associated costs (\$64,581.97) yields an estimated cost of \$9,881,041.41.

Based on the calculations above, we conclude that the PAS requirement will have a total cost of between \$5,693,168.00 and \$23,766,164.96 per year.

Paragraphs (d)(8)(iii) and (d)(8)(iv) require agencies to keep records of all agency employees hired under the Schedule A hiring authority for persons with certain disabilities, to calculate the number of such employees who have been converted to career or career-conditional appointment, and to calculate the number of such employees who have been terminated prior to conversion. The Commission estimates that it will take agencies 2 hours to gather the required data, to perform the required calculations, and to create and maintain the associated records, on an annual basis. Multiplying by the number of agencies covered by the rule yields a total of 436 burden hours. We assume that these tasks will be performed by an employee at the GS-14 step 5 level in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA region, at an hourly rate of \$82.98 per hour (adjusted to include benefits).<sup>103</sup> Multiplying the hourly rate by the number of burden hours yields a total of 436 burden hours, or a cost of \$36,179.28.

In addition to imposing costs, the Commission expects the proposed rule to have positive economic effects. By bringing a greater number of individuals with disabilities into the workforce, the rule will reduce dependence on government benefits.<sup>104</sup> To calculate the

<sup>103</sup> See *Hourly Basic (B) Rates by Grade and Step*, supra note 81; *Comparing the Compensation of Federal and Private-Sector Employees*, supra note 81, at 9.

<sup>104</sup> See, e.g., Jean P. Hall, et al., *Employment as a Health Determinant for Working-Age, Dually-Eligible People with Disabilities*, 6 *Disability & Health J.* 100 (2013) (finding that employment of individuals with disabilities is associated with lower per-person, per-month Medicaid expenditures).

economic benefits to the federal government of providing PAS to a single individual, we assume that each individual receiving such services from an employer would otherwise rely on Social Security and Supplemental Security Income benefits to pay for those services. An individual who requires PAS throughout the day, but who lacks an income and is actively looking for work, is most likely relying on government benefits to meet the significant cost of hiring a personal assistant. Research indicates that, for every individual with a disability who transitions from receipt of benefits to gainful employment, the federal government saves approximately \$19,380.00 in paid benefits, and gains approximately \$8,079.00 in tax revenue, on an annual basis.<sup>105</sup> Multiplying the sum (\$27,459.00) by the low and high estimates of the number of new hires expected to require personal services (118 and 215) yields an estimated economic benefit of between \$3,240,162.00 and \$5,903,685.00 per year.

In addition to its economic effects, the proposed rule is expected to have a variety of qualitative and dignitary benefits, all of which further values identified in Executive Order 13563 such as equity, human dignity, and fairness. Most significantly, the rule will increase the number of hiring and advancement opportunities available to individuals with disabilities by making them better aware of federal job openings. Research demonstrates that employment is an important determinant of both perceived quality of life and health status among individuals with disabilities.<sup>106</sup> Additional anticipated qualitative and dignitary benefits of the rule include, but are not limited to—

- Promotion of human dignity and self-respect, and diminished feelings of exclusion and humiliation;
- reduced prevalence of disability-based stereotypes and associated stigma;
- increased diversity, understanding, and fairness in the workplace; and
- improved interactions with coworkers and workplace morale.

The rule is also expected to prevent disability-based employment discrimination by making job applicants, employees, and agency management better aware of the

protections against discrimination provided by Section 501.

In summary, the Commission estimates that the rule as a whole will have a one-time initial cost to the federal government of approximately \$90,448.20; an annual cost to the federal government of between \$14,182,706.56 and \$66,937,421.52; and an annual economic benefit to the federal government of between \$3,240,162.00 and \$5,903,685.00. The rule is also expected to have a variety of non-monetizable qualitative and dignitary benefits for individuals with disabilities and individuals with targeted disabilities.

#### *Regulatory Flexibility Act*

The Commission certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, because it applies exclusively to employees and agencies of the federal government. For this reason, a regulatory flexibility analysis is not required.

#### *Unfunded Mandates Reform Act of 1995*

This final rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Congressional Review Act*

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### **List of Subjects in 29 CFR Part 1614**

Administrative practice and procedure, Age discrimination, Equal employment opportunity, Government employees, Individuals with disabilities, Race discrimination, Religious discrimination, Sex discrimination.

For the reasons set forth in the preamble, the Equal Employment Opportunity Commission proposes to amend 29 CFR part 1614 as follows:

## **PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY**

- 1. The authority citation for part 1614 continues to read as follows:

**Authority:** 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e–16 and 2000FF–6(e); E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

### **Subpart B—Provisions Applicable to Particular Complaints**

- 2. Revise § 1614.203 to read as follows:

#### **§ 1614.203 Rehabilitation Act.**

(a) *Definitions.* The following definitions apply for purposes of this section:

(1) The term *ADA* means title I of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 through 12117), title V of the Americans with Disabilities Act, as amended (42 U.S.C. 12201 through 12213), as it applies to employment, and the regulations of the Equal Employment Opportunity Commission implementing titles I and V of the ADA at part 1630 of this chapter.

(2) The term *disability* means disability as defined under § 1630.2(g) through (l) of this chapter.

(3) The term *hiring authority that takes disability into account* means a hiring authority that permits an agency to consider disability status in the selection of individuals for employment, including the hiring authority for individuals with intellectual disabilities, severe physical disabilities, or psychiatric disabilities, as set forth at 5 CFR 213.3102(u); the Veterans’ Recruitment Appointment authority, as set forth at 5 CFR part 307; and the 30% or More Disabled Veteran authority, as set forth at 5 CFR 316.302(b)(4), 316.402(b)(4).

(4) The term *Plan* means an affirmative action plan for the hiring, placement, and advancement of individuals with disabilities, as required under 29 U.S.C. 791(b).

(5) The term *Schedule A hiring authority for persons with certain disabilities* means the hiring authority for individuals with intellectual disabilities, severe physical disabilities, or psychiatric disabilities, as set forth at 5 CFR 213.3102(u).

(6) The term *Section 501* means section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791).

(7) The term *targeted/severe disability* means a disability designated as such on

<sup>105</sup> See Douglas Klayman, et al., *supra* note 95, at 17.

<sup>106</sup> See, e.g., Jean P. Hall, et al., *supra* note 104, at 100 (finding that, among individuals who are eligible for both Medicaid and Medicare, paid employment is associated with significantly better quality of life, self-reported health status, and health behaviors).

the Office of Personnel Management's Standard Form 256 (SF-256).

(8) The term *undue hardship* has the meaning set forth in part 1630 of this chapter.

(b) *Nondiscrimination.* Federal agencies shall not discriminate on the basis of disability in regard to the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment. The standards used to determine whether Section 501 has been violated in a complaint alleging employment discrimination under this part shall be the standards applied under Titles I and V (sections 501 through 504 and 510) of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101, 12111, 12201), as such sections relate to employment. These standards are set forth in part 1630 of this chapter.

(c) *Model employer.* The Federal Government shall be a model employer of individuals with disabilities. Agencies shall give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities.

(d) *Affirmative action plan.* Pursuant to 29 U.S.C. 791, each agency shall adopt and implement a Plan that provides sufficient assurances, procedures, and commitments to provide adequate recruitment, hiring, placement, and advancement opportunities for individuals with disabilities at all levels of federal employment. An agency fails to satisfy this requirement unless it has adopted and implemented a Plan that meets the following criteria:

(1) *Disability hiring and advancement program—(i) Recruitment.* The Plan shall require the agency to take specific steps to ensure that a broad range of individuals with disabilities will be aware of and be encouraged to apply for job vacancies, when eligible. Such steps shall include, at a minimum—

(A) Use of programs and resources that may be used to identify job applicants with disabilities who are eligible to be appointed under a hiring authority that takes disability into account, consistent with applicable OPM regulations, examples of which could include training programs for individuals with disabilities that lead directly to employment or that provide the qualifications necessary for particular positions within the agency, and databases of potential job applicants with disabilities; and

(B) Establishing and maintaining contacts with organizations specializing in the placement of individuals with disabilities, including, for example,

American Job Centers, State Vocational Rehabilitation Agencies, the Veterans' Vocational Rehabilitation and Employment Program, Centers for Independent Living, and Employment Network service providers.

(ii) *Application process.* The Plan shall ensure that the agency has designated sufficient staff to handle any disability-related issues that arise during the application and placement processes, and will require the agency to provide such individuals with sufficient training, support, and other resources to carry out their responsibilities under this section, which shall include, at a minimum—

(A) Ensuring that disability-related questions from members of the public regarding the agency's placement process are answered promptly and correctly, including questions about reasonable accommodations needed by job applicants during the application and placement processes, and questions about how individuals may apply for appointment under a hiring authority that takes disability into account;

(B) Processing requests for reasonable accommodations needed by job applicants during the application and placement processes, and ensuring that the agency provides such accommodations when required to do so under the standards set forth in part 1630 of this chapter;

(C) Accepting applications for appointment under hiring authorities that take disability into account, consistent with applicable OPM regulations;

(D) Determining whether individuals who have applied for appointment under a hiring authority that takes disability into account are eligible for appointment under that authority;

(E) If an individual has applied for appointment to a particular position under a hiring authority that takes disability into account and is eligible for appointment under such authority, forwarding the individual's application to the relevant hiring officials, and explaining to those officials how and when they may appoint the individual, consistent with all applicable laws;

(F) Overseeing any other agency programs designed to increase hiring of individuals with disabilities.

(iii) *Advancement program.* The Plan shall require the agency to take specific steps to ensure that current employees with disabilities have sufficient opportunities for advancement. Such steps may include, for example—

(A) Efforts to ensure that employees with disabilities are informed of and have opportunities to enroll in relevant

training, including management training when eligible;

(B) Development or maintenance of a mentoring program for employees with disabilities; and

(C) Administration of exit interviews that include questions on how the agency could improve the recruitment, hiring, inclusion, and advancement of individuals with disabilities.

(2) *Disability anti-harassment policy.* The Plan shall require the agency to state specifically in its anti-harassment policy that harassment based on disability is prohibited and to include in its training materials examples of the types of conduct that would constitute disability-based harassment.

(3) *Reasonable accommodation—(i) Procedures.* The Plan shall require the agency to adopt, and make available to all job applicants and employees in written and accessible formats, reasonable accommodation procedures that are easy to understand and that, at a minimum—

(A) Explain relevant terms such as "reasonable accommodation," "disability," "interactive process," "qualified," and "undue hardship," consistent with applicable statutory and regulatory definitions, using examples where appropriate;

(B) Provide that reassignment to a position for which an employee is qualified, and not just permission to compete for such position, will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position, and notify supervisors and other relevant agency employees about how and where to conduct a search for available vacancies when reassignment is being considered;

(C) Explain that an individual may request a reasonable accommodation orally or in writing at any time, that an individual need not have a particular accommodation in mind before making a request, and that the request may be made to a supervisor or manager in the individual's chain of command, the office designated by the agency to oversee the reasonable accommodation process, any agency employee connected with the application process, or any other individual designated by the agency to accept such requests;

(D) Include any forms the agency uses in connection with a reasonable accommodation request as attachments, and indicate that such forms are available in alternative formats that are accessible to people with disabilities;

(E) Describe the agency's process for determining whether to provide a reasonable accommodation, including a description of the interactive process, and the individual from whom requestors will receive a final decision;

(F) Provide guidance to supervisors on how to recognize requests for reasonable accommodation;

(G) Require that decision makers communicate, early in the interactive process, with individuals who have requested a reasonable accommodation;

(H) Explain that the agency may require an individual who requests a reasonable accommodation to provide medical information that is sufficient to explain the nature of the individual's disability, his or her need for reasonable accommodation, and how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of the workplace;

(I) Explain the agency's right to request relevant supplemental medical information if the information submitted by the requestor is insufficient;

(J) Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense;

(K) Explain the agency's obligation to keep medical information confidential, in accordance with applicable laws and regulations, and the limited circumstances under which such information may be disclosed;

(L) Designate the maximum amount of time the agency has, absent extenuating circumstances, to either provide a requested accommodation or deny the request, explain that the time limit begins to run when the accommodation is first requested, and explain that, where a particular reasonable accommodation can be provided in less than the maximum amount of time allowed, failure to respond to a request in a prompt manner may result in a violation of the Rehabilitation Act;

(M) Provide for expedited processing of requests for reasonable accommodations that are needed sooner than the maximum allowable time frame permitted under paragraph (d)(3)(i)(L) of this section;

(N) Explain that, where a reasonable accommodation cannot be provided immediately, the agency must provide an interim accommodation whenever possible;

(O) Inform applicants and employees how they may track the processing of requests for reasonable accommodation;

(P) Explain that, where there is a delay in either processing a request for,

or providing, a reasonable accommodation, the agency must notify the individual of the reason for the delay;

(Q) Explain that individuals who have been denied reasonable accommodations have the right to file complaints in the Equal Employment Opportunity process and other statutory processes, as appropriate;

(R) Encourage the use of voluntary informal dispute resolution processes that individuals may use to obtain prompt reconsideration of denied requests for reasonable accommodation;

(S) Provide that the agency shall give the requestor a notice consistent with the requirements of paragraph (d)(3)(iii) of this section at the time a requested accommodation is denied; and

(T) Provide information on how to access, at a minimum, Commission guidance and technical assistance documents.

(ii) *Cost of accommodations.* The Plan shall require the agency to inform all employees who are authorized to grant or deny requests for reasonable accommodation that, pursuant to the regulations implementing the undue hardship defense at 29 CFR part 1630, all available resources are considered when determining whether a denial of reasonable accommodation based on cost is appropriate. The Plan shall also require the agency to provide such employees with a list of all resources available for providing reasonable accommodations, and with instructions on how to gain access to those resources. Available resources may include a centralized fund specifically created by the agency for providing reasonable accommodations, the Department of Defense Computer and Electronic Accommodations Program (CAP), and agency funds that, although not designated specifically for providing reasonable accommodations, may be used for that purpose consistent with all applicable laws.

(iii) *Notification of basis for denial.* The Plan shall require the agency to provide a job applicant or employee who is denied a reasonable accommodation with a written notice that—

(A) Explains the reasons for the denial and notifies the job applicant or employee of any available internal appeal or dispute resolution processes;

(B) Informs the job applicant or employee of the right to challenge the denial by filing a complaint of discrimination under this part;

(C) Explains that such complaint must be filed within 45 days of the denial regardless of whether the individual

participates in an informal dispute resolution process; and

(D) Provides instructions on how to file such a complaint.

(4) *Accessibility of facilities and technology—(i) Contact information.* The Plan shall require the agency to provide all employees with contact information for an agency employee who is responsible for ensuring the physical accessibility of the agency's facilities under the Architectural Barriers Act of 1968, 42 U.S.C. 4151 through 4157, and an agency employee who is responsible for ensuring that the electronic and information technology purchased, maintained, or used by the agency is readily accessible to, and usable by, individuals with disabilities, as required by Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d.

(ii) *Filing complaints.* The Plan shall require the agency to provide all employees clear instructions on how to file a complaint under Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d, concerning the accessibility of agency technology, and a complaint under the Architectural Barriers Act, 42 U.S.C. 4151 through 4157 concerning the accessibility of a building or facility.

(iii) *Assistance with filing complaints at other agencies.* If investigation of a complaint filed under Section 508 of the Rehabilitation Act of 1973 or the Architectural Barriers Act shows that it is beyond the agency's power to correct the identified inaccessibility, the agency shall assist the individual in identifying the responsible party, and, if possible, filing a complaint with such party.

(5) *Personal services allowing employees to participate in the workplace.* The Plan shall require the agency to provide, in addition to professional services required as a reasonable accommodation under the standards set forth in part 1630 of this chapter, personal assistance services during work hours and job-related travel to employees who need them because of a disability, unless doing so would impose undue hardship. Personal assistance services may include, for example, assistance with removing and putting on clothing, eating, and using the restroom. An individual who performs personal assistance services may be required to perform additional tasks, as time permits, including provision of assistance required as a reasonable accommodation and other duties, and may be required to perform personal assistance services for more than one individual with a disability.

(6) *Utilization analysis—(i) Current utilization.* The Plan shall require the agency to perform a workforce analysis



annually to determine the percentage of its employees at each grade level, including the Senior Executive Service, who have disabilities as defined by the Rehabilitation Act, and the percentage of its employees at each grade level, including the Senior Executive Service, who have targeted/severe disabilities.

(ii) For purposes of the analysis required under paragraph (d)(6)(i) of this section, employees may be classified as individuals with disabilities or individuals with a targeted/severe disability on the basis of—

(A) Self-identification records gathered in the manner prescribed by the Office of Personnel Management;

(B) Records acquired during the course of appointments made under hiring authorities that take disability into account; and

(C) Records of requests for reasonable accommodation.

(iii) *Data accuracy.* The Plan shall require the agency to take steps to ensure that data collected pursuant to paragraph (d)(6)(i) of this section are accurate.

(7) *Goals*—(i) *Adoption.* The Plan shall commit the agency to the goal of ensuring that—

(A) No less than 12% of its employees at the GS–11 level or above, including employees in the Senior Executive Service, are individuals with disabilities;

(B) No less than 12% of its employees at the GS–10 level or below are individuals with disabilities;

(C) No less than 2% of its employees at the GS–11 level or above, including employees in the Senior Executive Service, are individuals with targeted/severe disabilities; and

(D) No less than 2% of its employees at the GS–10 level or below are individuals with targeted/severe disabilities.

(ii) *Progression toward goals.* The Plan shall require the agency to take specific steps that are reasonably designed to gradually increase the number of persons with disabilities and targeted/severe disabilities employed at the agency until they meet the goals established pursuant to paragraph (d)(7)(i) of this section. Examples of such steps include, but are not limited to—

(A) Increased use of hiring authorities that take disability into account to hire or promote individuals with disabilities or targeted/severe disabilities, as applicable;

(B) To the extent permitted by applicable laws, consideration of disability or targeted/severe disability

status as a positive factor in hiring, promotion, or assignment decisions;

(C) Disability-related training and education campaigns for all employees in the agency;

(D) Additional outreach or recruitment efforts; and

(E) Adoption of training, mentoring, or internship programs for individuals with disabilities.

(8) *Recordkeeping.* The Plan shall require the agency to keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and to make such records available to the Commission upon the Commission's request, including, at a minimum, records of—

(i) The number of job applications received from individuals with disabilities and the number of individuals with disabilities who were hired by the agency;

(ii) The number of job applications received from individuals with targeted/severe disabilities and the number of individuals with targeted/severe disabilities who were hired by the agency;

(iii) All rescissions of conditional job offers, demotions, and terminations taken against applicants or employees as a result of medical examinations or inquiries;

(iv) All agency employees hired under the Schedule A hiring authority for persons with certain disabilities, and each such employee's date of hire, entering grade level, probationary status, and current grade level;

(v) The number of employees appointed under the Schedule A hiring authority for persons with certain disabilities who have been converted to career or career-conditional appointments in the competitive service each year, and the number of such employees who were terminated prior to being converted to a career or career-conditional appointment in the competitive service each year; and

(vi) Details about each request for reasonable accommodation including, at a minimum—

(A) The specific reasonable accommodation requested, if any;

(B) The job (occupational series, grade level, and agency component) sought by the requesting applicant or held by the requesting employee;

(C) Whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment;

(D) Whether the request was granted (which may include an accommodation

different from the one requested) or denied;

(E) The identity of the deciding official;

(F) If denied, the basis for such denial; and

(G) The number of days taken to process the request.

(e) *Reporting*—(1) *Submission to the Commission.* On an annual basis, each federal agency shall submit to the Commission for approval, at such time and in such manner as the Commission deems appropriate—

(i) A copy of its current Plan;

(ii) The results of the two most recent workforce analyses performed pursuant to paragraph (d)(6) of this section;

(iii) The number of individuals appointed to positions within the agency under the Schedule A hiring authority for persons with certain disabilities during the previous year, and the total number of employees whose employment at the agency began by appointment under the Schedule A hiring authority for persons with certain disabilities; and

(iv) A list of any changes made to the Plan since the prior submission, if any, and an explanation of why those changes were made.

(2) *Availability to the public.* Each agency shall make the information submitted to the Commission pursuant to paragraph (e)(1) of this section available to the public by, at a minimum, posting a copy of the submission on its public Web site, and by providing means by which members of the public may request copies of the submission in alternative formats accessible to individuals with disabilities.

(f) *Commission approval and disapproval*—(1) *Basis for approval.* If the Commission determines that an agency has adopted and implemented a Plan that meets the requirements set forth in paragraph (d) of this section, the Commission shall approve the Plan.

(2) *Basis for disapproval.* If the Commission determines that an agency has failed to adopt and implement a Plan that meets the requirements set forth in paragraph (d) of this section, the Commission shall disapprove the Plan as required by 29 U.S.C. 791(b). Failure to achieve a goal set forth in paragraph (d)(7)(i) of this section, by itself, is not grounds for disapproval unless the Plan fails to require the agency to take specific steps that are reasonably designed to achieve the goal.

Dated: February 16, 2016.

For the Commission.

**Cynthia G. Pierre,**  
Chief Operating Officer.

[FR Doc. 2016-03530 Filed 2-23-16; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### 31 CFR Part 1010

RIN 1506-AB23

#### Financial Crimes Enforcement Network; Withdrawal of Finding and Notice of Proposed Rulemaking Regarding Liberty Reserve S.A.

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Withdrawal of finding and notice of proposed rulemaking.

**SUMMARY:** This document withdraws FinCEN’s finding that Liberty Reserve S.A. (“Liberty Reserve”) is a financial institution of primary money laundering concern and the related notice of proposed rulemaking seeking to impose the fifth special measure regarding Liberty Reserve, pursuant to section 311 of the USA PATRIOT Act (“Section 311”). Because of material subsequent developments that have mitigated the money laundering risks associated with Liberty Reserve, FinCEN has determined that Liberty Reserve is no longer a primary money laundering concern that warrants the implementation of a special measure under Section 311.

**DATES:** The finding and notice of proposed rulemaking are withdrawn as of February 24, 2016.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Resource Center at (800) 767-2825.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56 (the “USA PATRIOT Act”). Title III of the USA PATRIOT Act amends the anti-money laundering provisions of the Bank Secrecy Act (BSA), codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5314, 5316-5332, to promote the prevention, detection, and prosecution of international money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury to administer

the BSA and its implementing regulations has been delegated to the Director of FinCEN.

Section 311 of the USA PATRIOT Act (“Section 311”) grants the Director of FinCEN the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, foreign financial institution, class of transactions, or type of account is of “primary money laundering concern,” to require domestic financial institutions and financial agencies to take certain “special measures” to address the primary money laundering concern. The special measures enumerated under Section 311 are prophylactic safeguards that defend the U.S. financial system from money laundering and terrorist financing. FinCEN may impose one or more of these special measures in order to protect the U.S. financial system from these threats. To that end, special measures one through four, codified at 31 U.S.C. 5318A(b)(1) through (4), impose additional recordkeeping, information collection, and information reporting requirements on covered U.S. financial institutions. The fifth special measure, codified at 31 U.S.C. 5318A(b)(5), allows the Director to prohibit or impose conditions on the opening or maintaining of correspondent or payable-through accounts for the identified institution by U.S. financial institutions.

##### II. The Finding and Notice of Proposed Rulemaking

###### A. The Finding and Notice of Proposed Rulemaking

Based upon review and analysis of relevant information, consultations with relevant Federal agencies and departments, and after consideration of the factors enumerated in Section 311, the Director of FinCEN found that reasonable grounds existed for concluding that Liberty Reserve S.A. (“Liberty Reserve”) was a financial institution of primary money laundering concern. FinCEN published a proposed rule proposing the imposition of the fifth special measure on June 6, 2013, pursuant to the authority under 31 U.S.C. 5318A.<sup>1</sup>

###### B. Subsequent Developments

Since FinCEN’s finding and related NPRM regarding Liberty Reserve, material facts regarding the circumstances of the proposed rulemaking have changed. Liberty Reserve was a web-based money transfer system when FinCEN published notice

of its finding and NPRM on June 6, 2013. The Department of Justice announced on May 28, 2013 that it had charged seven of Liberty Reserve’s principals and employees with money-laundering, seized five domain names, including “LibertyReserve.com,” and seized or restricted the activity of 45 bank accounts related to Liberty Reserve. In light of these actions, Liberty Reserve has since ceased to function as a financial institution.

##### III. Withdrawal of the Finding and NPRM

For the reasons set forth above, FinCEN hereby withdraws its finding that Liberty Reserve is of primary money laundering concern and the related NPRM published on June 6, 2013, seeking to impose the fifth special measure regarding Liberty Reserve.

**Jamal El-Hindi,**

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2016-03830 Filed 2-23-16; 8:45 am]

BILLING CODE 4810-02-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

[NPS-GOGA-19691; PX.XGOGA1604.00.1]

RIN 1024-AE16

#### Special Regulations, Areas of the National Park Service, Golden Gate National Recreation Area, Dog Management

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to amend its special regulations for Golden Gate National Recreation Area regarding dog walking. The rule would apply to 22 locations within the park and would designate areas within these locations for on-leash and regulated (*i.e.*, voice and sight control) off-leash dog walking. Areas in these 22 locations that are not designated as open to dogs would be closed to dogs, except for service animals in accordance with National Park Service regulations. The rule would modify and, in some circumstances, relax the National Park System-wide pet regulations for these 22 locations. To the extent not modified by this rule, dog walking in all NPS-managed areas within the park would continue to be regulated under National Park System-wide pet regulations.

<sup>1</sup> See 78 FR 34008 (June 6, 2013) (RIN 1506-AB23).

**DATES:** Comments must be received by 11:59 EST on April 25, 2016.

**ADDRESSES:** You may submit comments, identified by the Regulation Identifier Number (RIN) 1024-AE16, by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments after searching for RIN 1024-AE16.
- *Mail or hand deliver to:* General Superintendent, Golden Gate National Recreation Area, Attn: Dog Management Proposed Rule, Fort Mason, Building 201, San Francisco, CA 94123.
- *Informational Meetings:* The NPS will schedule three (3) informational meetings on this proposed dog management rule during the 60-day public comment period, and provide public notice of these meetings in regional newspapers and on the park Web site at [www.nps.gov/goga/getinvolved/pub\\_mting\\_prop\\_rule.htm](http://www.nps.gov/goga/getinvolved/pub_mting_prop_rule.htm). Information on specific locations, times, and dates of these informational meetings will be posted on the same Web site and sent to those on the park's Public Affairs Office mailing list.

Please see the Public Participation section under **SUPPLEMENTARY INFORMATION** for more information.

**FOR FURTHER INFORMATION CONTACT:** Golden Gate National Recreation Area, Attn: Public Affairs Office (Alexandra Picavet), Fort Mason, Building 201, San Francisco, CA, 94123. Phone: (415) 561-4728. Email: [goga\\_dogmtg@nps.gov](mailto:goga_dogmtg@nps.gov).

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. The NPS initiated the rulemaking process in 2002 and then convened a Negotiated Rulemaking Committee in 2006. The committee, which was comprised of representatives of multiple stakeholder groups, met over the course of sixteen months in an effort to reach consensus on a dog walking rule for GGNRA. Although the Negotiated Rulemaking Committee was unable to reach consensus on all issues, it did reach consensus on some issues. These limited areas of consensus and input gained from committee discussions were carried forward for analysis as the park developed the range of alternatives in the draft Plan/SEIS.

In addition to that effort, and in accordance with the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process, interested persons may submit written comments

regarding this proposed rule by one of the methods listed in the **ADDRESSES** section above

Please note that all submissions received must include the agency name and (RIN) 1024-AE16 for this rulemaking. Comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. If you commented on the Draft Dog Management Plan/Supplemental Environmental Impact Statement (draft Plan/SEIS), your comment has been considered in drafting the proposed rule. Comments submitted during this comment period should focus on this proposed rule, not the draft Plan/SEIS. For example, the National Park Service invites comments on the definitions contained in the proposed rule and the clarity of the descriptions of areas open to dog walking; the rules and restrictions that apply to dog walking and to Voice and Sight Control areas; the rules and restrictions that apply to the permitting program for walking four to six dogs; and whether commercial dog walking should be allowed under the proposed rule. Comments on the draft Plan/SEIS will be considered untimely because the comment period on the draft Plan/SEIS has closed. Comments will not be accepted by fax, email, or in any way other than those specified above, and bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be considered. Organizations should direct their members to submit comments individually using one of the methods described above.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. Please make your comments as specific as possible and explain the basis for them.

**Background**

*Authority and Jurisdiction*

The National Park Service (NPS) manages the Golden Gate National Recreation Area (GGNRA or park) as a

unit of the National Park System. Units of the National Park System are managed under the statutes commonly known as the National Park Service Organic Act of 1916, the General Authorities Act of 1970, and the Redwood Amendments of 1978 which amended the General Authorities Act (codified at 54 U.S.C. 100101 *et. seq.*). As explained in NPS Management Policies 2006, these interrelated authorities express the fundamental purpose of the National Park System which is to conserve park resources and values and to provide for visitor enjoyment of these resources and values. The mandate to protect park resources and values is complemented by a statutory prohibition on the impairment of park resources and values. To avoid impairment, park managers are directed to seek ways to avoid and minimize adverse impacts on park resources and values to the greatest extent practicable. Where there are conflicts between conserving resources and values and providing for enjoyment of them, conservation is to be the predominant goal. To aid in the regulation of visitor activities within units of the National Park System, 54 U.S.C. 100751(a) authorizes the Secretary of the Interior, acting through the NPS, to “prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.”

An additional source of legal authority for the management of GGNRA derives from the park's enabling legislation, which was enacted in 1972 when Congress created the GGNRA. The enabling legislation states that the GGNRA was established “to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning . . . .” (16 U.S.C. 460bb). The enabling act directs the Secretary of the Interior, acting through the NPS, to “utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management,” and to “preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.” (16 U.S.C. 460bb).

### *Description and Significance of Golden Gate National Recreation Area*

GGNRA is one of the most highly-visited units of the National Park System, with over 17.7 million visitors per year. The park is comprised of numerous federally-managed sites interspersed with lands managed by city, county, state, and regional agencies as well as private lands. GGNRA-managed lands include 29.2 miles of bay and ocean shoreline within three counties of the San Francisco Bay Area: San Francisco, Marin, and San Mateo. The park contains significant historical and natural resources: 711 historic structures, including five National Historic Landmarks and 15 National Register properties; 47 registered archeological sites; nine cultural landscapes, including five lighthouses; 3,968 plant and animal species, including 37 federally-listed threatened and endangered species (the 3rd largest number of federally listed species in the National Park System); and 19 separate ecosystems in seven distinct watersheds. Many of these species were listed as threatened or endangered well after the park's establishment.

Since GGNRA was established in 1972, the amount of land managed by the NPS has more than doubled as a result of acquisitions and boundary expansions. The park boundary now encompasses approximately 80,000 acres in San Francisco, Marin, and San Mateo counties. Of that total acreage, the NPS owns and manages approximately 18,500 acres.

### *Dog Walking in Golden Gate National Recreation Area*

Dog walking in some areas of GGNRA began prior to the establishment of the park, when dog walking, including off-leash dog walking, occurred informally at sites under the jurisdiction of other federal, state, or local entities or when the lands were privately owned. In the park's early years, those practices continued largely uninterrupted, despite the existence of a National Park System-wide regulation that prohibited off-leash dog walking and required all pets to be on-leash or under physical restrictive control (36 CFR 2.8, promulgated in 1966) or crated, caged, restrained on-leash, or otherwise physically controlled at all times (36 CFR 2.15, promulgated in 1983).

In 1978, the GGNRA Citizens' Advisory Commission, which was established under the park's enabling legislation to coordinate public involvement for the park, considered and proposed a pet policy following input from park staff and the public.

The policy provided general guidance on dog walking and recommended certain locations in the park for on-leash and off-leash, or "voice control," dog walking, and some locations that would exclude dogs. In 1979, the Commission recommended the pet policy to the superintendent for adoption as a GGNRA-specific policy (later known as the 1979 Pet Policy). Although the NPS never promulgated this policy as a special regulation, for more than 20 years the park operated under it despite the National Park System-wide regulation prohibiting off-leash dog walking.

Since 1979, the San Francisco Bay Area population and overall use of GGNRA lands have increased, as have the number of dog walkers in the park based on park staff observation, partly due to the recent growth of the commercial dog walking industry. At the same time, the number of dog-related conflicts between park users with and without dogs has risen, including dog bites and attacks, as has the concern about the effect of uncontrolled dog behaviors on park visitor experiences. Resource concerns have also increased since 1979 as park staff gained greater knowledge of park resources and as a result of the listing of several species with habitat in areas used by dog walkers as threatened, endangered, or special-status species. The NPS has also identified other native plant and animal species that require protection under the NPS's broader conservation mandate.

A resource protection conflict between dog use and a listed species occurred in the late 1990s when the NPS sought to close 12 acres at Fort Funston to dogs in order to protect bank swallows (*Riparia riparia*), a bird species listed as threatened by the State of California in 1989. Fort Funston had been designated as an off-leash "voice control" area under the 1979 Pet Policy. Dog walking groups challenged the closure in U.S. District Court. (*Fort Funston Dog Walkers v. Babbitt*, 96 F. Supp. 2d 1021 (N.D. Cal. 2000).) Following a determination that the NPS had likely violated procedural rules in adopting the closure, the NPS undertook a subsequent public process and was ultimately allowed to erect fences closing the 12-acre area to dogs.

Additional legal challenges to the NPS's management of dog walking occurred in the early 2000s. In January 2002, the NPS issued a **Federal Register** notice explaining that the 1979 Pet Policy was in conflict with the National Park System-wide regulation that requires dogs to be leashed (36 CFR 2.15) and that the NPS was therefore

rescinding the 1979 Pet Policy. (67 FR 1424 at 1425 (Jan. 11, 2002).) The NPS began enforcing the leash requirement contained in 36 CFR 2.15, including in areas formerly open to off-leash dog walking under the 1979 Pet Policy. In 2004, several dog walkers who had been cited for failing to leash their dogs challenged the NPS decision to rescind the 1979 Pet Policy. The U.S. District Court for the Northern District of California determined that the NPS did not follow proper procedures in issuing the 2002 **Federal Register** notice and that public notice and comment was required before adopting new restrictions on dog use that significantly changed public use patterns or were highly controversial. (*United States v. Barley*, 405 F. Supp. 2d 1121 (N.D. Cal. 2005).) As a result of that decision, the 1979 Pet Policy has remained in place pending the completion of this notice and comment rulemaking process, except for portions of Ocean Beach and Crissy Field (currently known as the Snowy Plover Protection Area and Wildlife Protection Area respectively) where in 2008 the NPS adopted a special regulation to restrict off-leash dog walking to protect sensitive wildlife. (36 CFR 7.97(d).) The proposed rule would replace the special regulation at 36 CFR 7.97(d) by permanently closing these areas to dogs. The closure of these areas would be implemented by a provision of the proposed rule that designates as closed any areas at Crissy Field and Ocean Beach not specifically opened to dogs. Maps identifying the areas closed to dogs would be made available to the public. Upon its effective date, the final rule would terminate and replace the 1979 Pet Policy within GGNRA.

Another recent modification to dog walking in GGNRA is reflected in an interim public use restriction and permit requirement that NPS adopted in June 2014 for commercial dog walkers. Commercial dog walkers who use GGNRA lands in Marin and San Francisco counties are now limited to no more than 6 dogs at any one time, and they must obtain a permit from NPS when walking between four (4) and six (6) dogs at any one time. This interim restriction was adopted by GGNRA following limits placed on dog walkers in surrounding jurisdictions. [See link: [http://www.nps.gov/goga/learn/management/upload/2014\\_Superintendent-s-CompendiumV2\\_access.pdf](http://www.nps.gov/goga/learn/management/upload/2014_Superintendent-s-CompendiumV2_access.pdf)]. If the proposed rule is adopted by NPS, the interim permit requirement would be superseded by the final GGNRA dog walking special regulation.

Today, many parts of the San Francisco Bay Area are highly urbanized, and some city, county, and state lands in the San Francisco Bay Area have either limited areas available for dog walking or prohibit dog walking on their lands altogether. Some residents of San Francisco, Marin, and San Mateo counties view GGNRA lands as their backyards. Some local residents with dogs find park lands convenient and have come to expect them to be available for dog walking. These same GGNRA lands, especially the coastal sites, are also popular with a variety of park visitors who seek to experience the national park free from dogs. Within the overarching mandate to protect park resources and values, the proposed rule addresses the interests of these diverse users by designating areas that are appropriate for on- or off-leash dog walking, by adopting restrictions on dog use in other areas such as limitations on the number of dogs, and by closing areas that are not appropriate for dog use.

#### *Dog Management Planning and Environmental Impact Analysis*

In 2002, the NPS issued an Advance Notice of Proposed Rulemaking asking for public input on whether the NPS should develop a new regulation for dog walking in GGNRA. Following review of public comments, the NPS initiated a dog management planning process under the National Environmental Policy Act of 1969 (NEPA), together with a Negotiated Rulemaking process in an effort to develop a consensus-based proposed rule. After meeting for a 16 month period, the Negotiated Rulemaking Committee, comprised of representative stakeholders, was unable to reach consensus on a proposed rule and elected not to extend its charter. The NPS decided to continue the dog management planning process under NEPA and its associated public involvement process and through the traditional notice and comment rulemaking process.

The NPS released the draft Dog Management Plan/Environmental Impact Statement for public comment in 2011. The resulting public comments, and the addition of a major new tract of land to the park (Rancho Corral de Tierra), prompted the NPS to issue an updated draft plan and supplemental EIS (draft Plan/SEIS). The draft Plan/SEIS was open for public comment from September 6, 2013 until February 18, 2014. The draft Plan/SEIS is available online at <http://parkplanning.nps.gov/documentsList.cfm?projectID=11759> by clicking on the link entitled "Draft Dog Management Plan/Supplemental Environmental Impact Statement."

#### **Proposed Rule**

##### *Relationship To Draft Plan/SEIS*

The proposed rule is based on the preferred alternative (Alternative F) described in the draft Plan/SEIS, which has been modified slightly based on public comment and further analyses. In general, the principal changes relate to conditions for walking four to six dogs under an NPS permit, the adjustment of two Voice and Sight Control Areas (Crissy Airfield and upper Fort Funston), the addition of four new trail segments for on-leash dog walking (Rancho Corral de Tierra), and the elimination of one (Fort Baker), clarifying definitions, and additional considerations for the Monitoring and Management Program. These specific changes are incorporated in this proposed rule and will be included in the Preferred Alternative in the Final Dog Management Plan/Environmental Impact Statement. The proposed rule uses updated and corrected trail and road names that are different than the names used in the draft/SEIS. To reduce confusion, the changes to trail and road names are posted on the park Web site at <http://www.nps.gov/goga/learn/management/completed-plans-and-projects.htm> and are identified in the table at the end of the **SUPPLEMENTARY INFORMATION** section of this document.

##### *General Summary*

The 22 locations covered by the proposed rule are as follows by County:

- *Marin County:* Stinson Beach, Muir Beach, Homestead Valley, Oakwood Valley, Alta Trail, Marin Headlands/Rodeo Beach and Vicinity, Marin Headlands/Rodeo Valley, and Fort Baker.
- *San Francisco County:* Fort Mason, Crissy Field, Fort Point National Historic Site, Baker Beach, Lands End, Fort Miley, Sutro Heights Park, Ocean Beach, and Fort Funston.
- *San Mateo County:* Mori Point, Milagra Ridge, Sweeney Ridge, Cattle Hill (if NPS acquires management responsibility for this area), and Rancho Corral de Tierra.

Within the locations listed above, the proposed rule would designate specific areas where dogs would be required to stay on leash, where dogs may be off-leash but only when under immediate voice and sight control, and where dog walking would be prohibited. Maps of trails, beaches, and other areas open to dog walking would be available at park visitor centers and on the park Web site once a final rule is issued. Maps for this proposed rule are available online at [www.regulations.gov](http://www.regulations.gov) (click on "Open Docket Folder" after searching for RIN

1024-AE16) and on the park Web site at <http://www.nps.gov/goga/getinvolved/prop-rule-maps.htm>. Due to the small scale of these maps and the large areas covered, one overview map (#1) is provided along with nineteen (19) other maps (from maps #2 to #20) to cover the twenty-two (22) park locations addressed in this proposed rule (with 3 maps covering 2 locations each); these maps are visual aids to illustrate the detailed area descriptions provided in the rule, which are controlling.

The proposed rule provides for on-leash and off-leash dog walking opportunities within these locations in a manner that is consistent with NPS's legal mandates to conserve park resources and values and provide for recreational and educational opportunities. The rule is consistent with sound principles of land use planning and management, and preserves the park's natural setting and protects it from uses that could destroy its scenic beauty and natural character. Limitations and restrictions on dog walking in these locations are designed to avoid or minimize adverse impacts on park resources, promote health and safety, reduce conflicts between diverse user groups, and address management responsibilities.

Under 36 CFR 1.2(c), special regulations for an NPS unit may modify or relax regulations in 36 CFR part 2 that apply to the entire National Park System. The proposed rule would modify and, in some circumstances, relax the National Park System-wide pet regulations at 36 CFR 2.15 for the locations listed above. To the extent not modified or relaxed by this rule, the National Park System-wide pet regulations at 36 CFR 2.15 would continue to apply to pets, including dogs, within GGNRA. Within GGNRA's 22 park locations identified in this rule, the following subsections of 36 CFR 2.15 would still apply: subsections (a)(1), (a)(4), (c), (d), (e) and (f).

The proposed rule would authorize areas open to on-leash or off-leash dog walking to be closed or subject to additional restrictions, on a temporary or permanent basis, for the protection or restoration of park resources, special events, implementation of management responsibilities, health and safety, infrastructure projects, visitor use conflicts, or other factors within the discretion of the superintendent.

There are two scenarios under which dog walking opportunities may be expanded under the proposed rule. First, if the state and local entities with land management authority for Sharp Park Beach in San Mateo County (see Mori Point map #17) decide to change

dog walking uses at Sharp Park Beach, a 0.2 acre area in the southeast corner of the beach that is administered by the NPS may also be so designated by the superintendent. Second, if the park adds new trails to the park's trail system in any of the 22 locations covered by the rule, the superintendent may designate such trails as open to on-leash dog walking. The NPS would conduct the appropriate level of NEPA compliance prior to designating any new trails for on-leash dog walking and provide public notice of the corresponding new trail uses under one or more of the methods listed in 36 CFR 1.7(a) before any such uses would be implemented.

For GGNRA locations not addressed by this rule, including lands in the northern district of the park managed by the Point Reyes National Seashore, 36 CFR 2.15 would still apply.

The proposed rule also would not change the rules relating to dog walking on lands, known as Area B, managed by the Presidio Trust. Dog walking on lands managed by the Presidio Trust is managed in accordance with the Trust's regulations in 36 CFR part 1001 and an Interim Final Rule regarding commercial dog walking that went into effect on October 1, 2014. The Interim Final Rule requires commercial dog walkers with four to six dogs to obtain and comply with an NPS permit when walking dogs in Area B and prohibits commercial dog walkers from having more than six dogs at one time. (See: <http://www.gpo.gov/fdsys/pkg/FR-2014-08-19/pdf/2014-19514.pdf>). The Trust's Interim Final Rule will remain in place until the Trust issues a Final Rule.

#### *Designated Dog Walking Areas and Permit Requirement*

The following elements would apply to all of the locations within GGNRA that would be governed by the proposed rule:

- Dog walking would be prohibited except in the specific areas or on the trails identified in the proposed rule. Dog walking would not be allowed off-trail, in campgrounds, on designated swimming beaches, on informal (*i.e.* "social") trails, in public buildings, or in any area not designated by the proposed rule as open to dogs.
- Dog walking on-leash would be allowed in parking lots, on sidewalks, and on shoulders of paved, public roads.
- All dogs would be required to have a *current rabies vaccination*, and dog walkers would be responsible for providing evidence of that for any dog in their care when walking in the park.
- All dogs would be required to be licensed and tagged in accordance with

applicable ordinances of the county where the dog's owner resides.

- Each dog walker would be required to have the dog owner's name, home address, and phone number available for each dog walked and must provide this information upon request to any person authorized to enforce the regulation.
- No more than three dogs may be walked per dog walker at one time without a permit. All dog walkers walking between four and six dogs must obtain an NPS permit. (An example of the 2015 interim permit for commercial dog walkers is available at: <http://www.nps.gov/goga/planyourvisit/loader.cfm?csModule=security/getfile&PageID=867836>).
- No more than six dogs may be walked per dog walker at any one time.
- Commercial dog walking is allowed in areas open to dog walking according to the rules in this proposed rule for each park location.
- Service animals accompanying a person with a disability would be allowed in the park in accordance with National Park System-wide regulations.
- Informal trails are not official trails and therefore are not listed in the proposed rule and would be closed to dog walking.
- Dog walking areas in each location would be delineated and marked. Standard landscape design elements (*e.g.* vegetative barriers, fencing, signage, landscape contours, paths, etc.) may be installed to aid differentiation of dog walking areas provided that wildlife movement is protected. Landscape design elements may also be utilized to protect restoration areas, delineate areas that require closure or separation for safety purposes, to reduce user conflicts, or to address other dog management needs.
- Dog walkers may not enter the park with more than six dogs at one time. In addition, dog walkers entering the park with four or more dogs may not circumvent the permit requirement by walking fewer than four dogs at one time.
  - Permits would specify the areas, times and conditions under which this activity may occur.
  - Display of the NPS-issued, permit identification by the permitted dog walker would be required at all times when the permittee is walking four to six dogs in GGNRA.
  - All permits would require proof of liability insurance and approved dog-handling training through existing regionally or nationally-accredited training courses offered by organizations approved by the local county jurisdiction in which the activity will

occur, and as accepted by the superintendent. A list of such courses can be obtained through the local county jurisdiction for that county in which the dog walking permit is being requested. A list of courses accepted by the superintendent will be posted on the park's Web site.

- The NPS intends to recover the costs of administering the special use permit program under 54 U.S.C. 103104. In order to obtain a special use permit to walk more than three dogs at one time, the proposed rule would require dog walkers to pay a permit fee to allow the NPS to recover these costs.

#### *Uncontrolled and Unattended Dogs*

To protect park resources, reduce visitor conflict, enhance public safety, and aid enforcement and monitoring, the proposed rule would define the terms "uncontrolled dog" and "unattended dog." The definition of "uncontrolled dog" includes behavior by a dog that results in uninvited or unwanted physical contact with a person or another animal. To prevent unwanted and/or unsolicited contact from a dog, dog walkers are advised to ask another person (with or without a dog) whether it is acceptable for their dog to approach the other person or that person's dog. Contact by a dog that results in uninvited or unwanted physical contact would violate the proposed rule. Short of actual physical contact, the definition of uncontrolled dog also includes threatening behavior by dogs towards people or other animals such as snarling, growling, snapping, chasing, charging, repeated barking at, howling, or uninvited taking or attempting to take food. Such behavior would violate the proposed rule.

The rule would prohibit dogs from being left unattended outside, tied or untied. It would also prohibit dogs from being left unattended in a parked vehicle where they could create a nuisance, disturb the peace and tranquility of the park, or disturb wildlife; or where they could reasonably be expected to experience suffering or distress (*e.g.*, exposure to high temperatures, direct sunlight, or inadequate ventilation).

#### *Proof of Rabies Vaccination and Owner Identification*

For the protection of the public and other pets, all dogs within GGNRA must have a current rabies vaccination. All three counties that encompass GGNRA lands (as well as neighboring Alameda County) require dogs to be licensed, require proof of a current rabies vaccination to acquire the license, and issue a proof of license (*e.g.*, tag) that

may be fixed to the dog's collar and that enables the identity of the owner to be confirmed. The NPS will accept these and other similarly issued municipal licenses as proof of current rabies vaccination and owner identification. In counties where current rabies documentation is not required, where such "annual" tags are not issued, or where counties are not able to release that information to NPS for purposes of health and safety or law enforcement, a dog walker must produce official documentation of a current rabies vaccination (such as vaccine certificates by providers authorized to administer the vaccine by relevant state or local authorities) upon request.

### Monitoring-Based Management Program

As provided by the draft plan/SEIS, all areas open to dog walking, including Voice and Sight-Control Areas, would be subject to a Monitoring-Based Management Program to gauge compliance with NPS regulations and ensure continued protection of park resources, visitors, and staff. This program would include monitoring and recording of noncompliance with the proposed rule, including behavior that meets the definition of an uncontrolled dog or an unattended dog, dog walking in prohibited areas, and off-leash dog walking in areas where leashes are required. The program would also monitor and record dog-related violations of other NPS regulations, such as for hazardous conditions (e.g., aggressive behavior, dog rescues) (36 CFR 2.34(a)(4)), violations of areas closed to the public or to dogs (36 CFR 1.5(f)), protection of threatened or endangered species (36 CFR 2.2(a)(2) and 50 CFR part 17), vegetation (36 CFR 2.1(a)(1)(ii)), wildlife (36 CFR 2.2(a)(2)), and government and third party property (36 CFR 2.31(a)(3)).

If the superintendent determines that the level of compliance with dog-related regulations is approaching an unacceptable level based on issues such as the number or types of violations or dog-related impacts to resources, visitors, park staff, health and safety, or peace and tranquility, or is imposing an undue burden on administrative resources, the superintendent must act to prevent those unacceptable impacts by taking management actions. Examples of primary management actions include increased outreach and education; increased area-focused enforcement of regulations; proposed fine increases; additional fencing, barriers or separations; or special use permit restrictions.

If primary management actions do not sufficiently address the problem, the superintendent would implement secondary management actions. Examples of secondary management actions may include, but are not limited to increased buffer zones, and additional use restrictions (e.g. limiting the number of dogs off-leash at any one time with one dog walker, requiring tags or permits for accessing Voice and Sight Control Areas, or short or long-term, dog walking area closures). The authority to implement primary or secondary management actions is provided in section (11) and would be exercised independent of the superintendent's authority under 36 CFR 1.5 in order to provide the NPS with the needed flexibility to respond to the impacts of dog walking in designated areas and prevent unacceptable impacts or conditions before they occur. Public notice of any action taken under this authority would be given pursuant to one or more of the methods set forth in 36 CFR 1.7(a). Advance public notice would not be required in emergency situations.

### Compliance With Other Laws, Executive Orders, and Department Policy

#### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

#### *Regulatory Flexibility Act*

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled "Economic Analysis of the Proposed Rule for Dog Management in the Golden Gate National Recreation Area," that is available online at <http://www.nps.gov/goga/getinvolved/plan-dog-mgt-rr.htm>.

#### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on state, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

#### *Takings (Executive Order 12630)*

This rule does not affect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

#### *Federalism (Executive Order 13132)*

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of NPS administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

#### *Civil Justice Reform (Executive Order 12988)*

This rule complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*Consultation With Indian Tribes (Executive Order 13175 and Department Policy)*

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required. Tribes traditionally associated with GGNRA were consulted, however, in the development of the draft Plan/SEIS.

*Paperwork Reduction Act*

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. OMB has approved the information collection requirements associated with NPS Special Park Use Permits and has assigned OMB Control Number 1024-0026 (expires 08/31/16). An agency may not conduct or sponsor and a person is not required to respond

to a collection of information (e.g., NPS survey) unless it displays a currently valid OMB control number.

*National Environmental Policy Act*

The preferred alternative from the draft Plan/SEIS, which this rule proposes to implement, constitutes a major Federal action with the potential to significantly affect the quality of the human environment. We have prepared the draft Plan/SEIS in accordance with the National Environmental Policy Act of 1969. Because of their inter-relatedness, the draft Plan/SEIS serves as NEPA compliance for this rule. The public comment period for the draft Plan/SEIS closed on February 18, 2014. The draft Plan/SEIS is available online at <http://parkplanning.nps.gov/documentsList.cfm?projectID=11759> by clicking on the link entitled "Draft Dog Management Plan/Supplemental Environmental Impact Statement." A final Plan/FEIS will be developed after public comments on the proposed rule have been analyzed and considered as appropriate. A final rule will be published after a Record of Decision has been issued on the FEIS.

*Effects on the Energy Supply (Executive Order 13211)*

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

**Clarity of This Rule**

We are required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write

all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

*Drafting Information:* The primary authors of this regulation are: Russel J. Wilson, Chief, Division of Regulations, Jurisdiction, and Special Park Uses, National Park Service; Jay Calhoun, Regulations Program Specialist, National Park Service; Michael Edwards, Project Manager, Environmental Quality Division, National Park Service; Mike Savidge, Chief, Strategic Planning, Golden Gate National Recreation Area, National Park Service; and Shirwin Smith, former Management Assistant, Golden Gate National Recreation Area, National Park Service.

**Table of Updated Trail and Road Names**

The following table identifies the updated trail and road names that are different than the names used in the draft/SEIS.

County	Map No.	Trail and road names used in draft/SEIS	Updated trail and road names used in proposed rule
Marin	5	Oakwood Valley Road	Oakwood Valley Trail.
Marin	5	Oakwood Valley Trail	Oakwood Meadow Trail.
Marin	5	Pacheco Fire Road	Pacheco Trail.
Marin	5	Orchard Fire Road	Orchard Trail.
Marin	7	Smith Road Connector Trail	Smith Trail.
Marin	8	Bay Trail	Fort Baker Bay Trail.
Marin	8	Center Road	Fort Baker Trail.
San Francisco	9	Trail north from Great Meadow	Fort Mason Bay Trail.
San Francisco	9	Trail east of Youth Hostel	Black Point Battery Trail.
San Francisco	9	Stairs from Great Meadow to Lower Ft. Mason	Fort Mason Stairs.
San Francisco	9	Paths around Great Meadow	Great Meadow Paths.
San Francisco	11	Presidio Coastal Trail	Coastal Trail.
San Francisco	11	Unmarked connector between Battery East Trail and Presidio Promenade.	Battery East Spur Trail.
San Francisco	11	Andrews Road	Andrews Trail.
San Francisco	11	Connector between Battery East Trail and Coastal Trail on the west side of the Golden Gate Bridge toll plaza.	Presidio Promenade.
San Francisco	11	Presidio Coastal Trail	Coastal Trail.
San Francisco	11	Fort Point Promenade	Marine Drive.
San Francisco	12	Access Trails to south beach from parking lots.	Access Trails #3, 4, 5 and 6.



County	Map No.	Trail and road names used in draft/SEIS	Updated trail and road names used in proposed rule
San Francisco	13	Connector between Coastal Trail and Camino del Mar Trail/Legion of Staircase.	Legion of Honor Trail.
San Francisco	13	Steps from Legion of Honor parking lot to Coastal Trail.	Memorial Stairs.
San Francisco	13	Trail from Merrie Way Parking Lot north to Coastal Trail.	Merrie Way Trail.
San Francisco	13	Trails from Merrie Way Parking Lot west to Coastal Trail.	Lands End Staircase, North and South.
San Francisco	13	Trail from Merrie Way Parking Lot west to El Camino del Mar.	Fort Miley Trail.
San Francisco	14	Trail through Sutro Heights	Sutro Heights Loop Trail.
San Francisco	14	48th to Sutro Loop Trail	Sutro Heights Trail.
San Francisco	14	Balboa to Sutro Loop Trail	La Playa Trail.
San Francisco	16	Sunset Trail from north end of Fort Funston to main parking lot.	Coastal Trail.
San Francisco	16	Battery Davis Road on east side of the battery	Battery Davis Trail.
San Francisco	16	Eastern connector from Battery Davis Trail to Funston Beach Trail (North).	Funston Trail.
San Mateo	18	Milagra Ridge Fire Road	Milagra Ridge Road.
San Mateo	18	Trail to bunker	Milagra Battery Trail.
San Mateo	19	Sweeney Ridge Trail from Shelldance Nursery to the Notch Trail.	Mori Ridge Trail.
San Mateo	19	Farallon View Trail from Baquiano Trail to western Cattle Hill boundary.	Cattle Hill Trail.
San Mateo	20	Connector trail north of old San Pedro Mountain Road.	Farallone Trail.
San Mateo	20	Connector trail north of old San Pedro Mountain Road.	Corona Pedro Trail.
San Mateo	20	Connector trail south of old San Pedro Mountain Road.	Le Conte Trail.
San Mateo	20	Vicente Ridge Trail	San Vicente Trail.
San Mateo	20	Connector to Vicente Ridge Trail	Ranchette Trail.
San Mateo	20	Denniston Ridge Trail	French Trail.
San Mateo	20	Memorial Loop	Flat Top Trail and Clipper Ridge Trail (lower section).
San Mateo	20	Connector from Memorial Loop to junction with Denniston Ridge Trail.	Clipper Ridge Trail.
San Mateo	20	Connector from community to Clipper Ridge Trail	Almeria and San Carlos Trails.

**List of Subjects in 36 CFR Part 7**

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 7 as follows:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

■ 1. The authority citation for part 7 continues to read as follows:

**Authority:** 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under D.C. Code 10–137 and D.C. Code 50–2201.07.

■ 2. In § 7.97, revise paragraph (d) to read as follows:

**§ 7.97 Golden Gate National Recreation Area.**

\* \* \* \* \*

(d)(1) *What is the scope of this regulation?* (i) The regulations contained in this paragraph (d) apply to persons with dogs at the following locations within Golden Gate National Recreation Area:

In Marin County:	Stinson Beach, Muir Beach, Homestead Valley, Oakwood Valley, Alta Trail, Marin Headlands/Rodeo Beach and vicinity, Marin Headlands/Rodeo Valley, and Fort Baker.
In San Francisco County:	Fort Mason, Crissy Field, Fort Point National Historic Site, Baker Beach, Lands End, Fort Miley, Sutro Heights Park, Ocean Beach, and Fort Funston.
In San Mateo County:	Mori Point, Milagra Ridge, Sweeney Ridge, Cattle Hill (if NPS assumes management responsibility for this area), and Rancho Corral de Tierra.

(ii) To the extent not modified or relaxed by the regulations contained in paragraph (d) of this section, the regulations in section 2.15 of this chapter govern pets, including dog walking, within Golden Gate National Recreation Area. Paragraph (d) of this section does not apply to service dogs accompanying persons with a disability

as authorized under applicable National Park Service regulations.

(2) *What terms do I need to know?*

The following definitions apply to paragraph (d) of this section only:

*Leash* means a chain, rope, cord, or strap not longer than 6 feet in length with a clip or snap for rapid attachment to a choke chain, collar, or harness, all

the parts of which are of sufficient strength to hold the weight of the dog and are suitable for walking the dog and controlling it.

*Unattended dog* means a dog left without a guardian in sight, tied or untied outside; or left in a parked vehicle, where it creates a nuisance, disturbs the peace and tranquility of the

park, or disturbs wildlife; or left where the dog could reasonably be expected to experience suffering or distress due to, for example, exposure to high temperatures, direct sunlight, or inadequate ventilation.

*Uncontrolled dog* means a dog, on or off-leash, that exhibits any behavior that threatens, disturbs, harasses, or demonstrates aggression toward another person, dog, or domesticated animal or wildlife in a manner that a reasonable person would find threatening, disturbing, harassing, or aggressive. Such behaviors include snarling, growling, repeated barking at, howling, chasing, charging, snapping at, or uninvited attempting to take or taking food from a person; demonstrating uninvited or unwanted physical contact with a person or another animal;

annoying, pursuing, hunting, harming, wounding, attacking, capturing, or killing wildlife or a domesticated animal; digging into ground, soil or vegetation; or failing to be under voice and sight control in a Voice and Sight Control Area.

*Voice and Sight Control Area* means an area designated in paragraph (d) of this section and identified on maps available at park visitor centers and on the park Web site where dogs may be walked off-leash when under voice and sight control.

*Voice and sight control* means a dog that is within direct eyesight of the dog walker and that the dog walker is able to both immediately recall directly to his or her side, without regard to circumstances or distractions, and attach a leash to the dog's collar. The

dog walker must demonstrate this ability when requested to do so by an authorized person.

(3) *Where may I walk or take a dog at the locations identified in this paragraph (d)?* You may walk or take a dog at the locations identified in paragraph (d)(1) of this section only in those areas specified below and subject to the restrictions as noted in this paragraph (d).

(i) You may walk a dog on-leash in parking lots, on sidewalks, on paved public roads, and in all areas where off-leash use is authorized.

(ii) You may walk one to three dogs per person at one time on-leash in the areas designated in the following table. The maps referenced in the table will be available at park visitor centers and on the park Web site.

TABLE 1 TO § 7.97—ON-LEASH DOG WALKING: ONE TO THREE DOGS

- (A) Stinson Beach (see map #2)
- (1) Designated connecting trail from a signed trailhead between the dunes on the western side of the northern parking lot to the county-owned Upton Beach.
  - (2) North and Central picnic areas.
- (B) Muir Beach (see map #3)
- (1) Trail parallel to the access road from Pacific Way Bridge through the Muir Beach parking lot.
  - (2) Muir Beach Trail.
  - (3) The sand beach and surf area outside the fenced or signed buffer areas. When there is a surface water connection between the ocean and the lagoon, dogs are not allowed into the surface waters connecting the lagoon and the ocean.
- (C) Homestead Valley (see map #4)
- (1) Homestead Trail from Four Corners to two community connecting trails beyond the GGNRA boundary, the Eagle Trail and an extension of the Homestead Trail.
  - (2) Homestead Summit Trail from Homestead Fire Road to junction with the Homestead Trail at Four Corners.
  - (3) Homestead Fire Road from Lattie Lane to Panoramic Highway.
- (D) Oakwood Valley (see map #5)
- (1) That section of the Rhubarb Trail from the Tamalpais Community Service District's property access at the park boundary, east to Tennessee Valley Road.
  - (2) Oakwood Valley Trail (formerly Oakwood Valley Fire Road) to the junction with the Alta Trail.
- (E) Alta Trail (see map #5)
- (1) Alta Trail from the entrance at Donahue Street to the junction with the Morning Sun Trail.
  - (2) Orchard and Pacheco Trails from the park boundary to the Alta Trail.
- (F) Marin Headlands/Rodeo Beach and Vicinity (see map #6)
- (1) Coastal Trail from the Fort Cronkhite parking area to its intersection with Old Bunker Road, and continuing east on the Old Bunker Road south to the Fort Cronkhite Trail and back along the Lagoon Trail to the Fort Cronkhite parking lot.
  - (2) Beach access steps at the north end of the beach. When there is a surface water connection between the ocean and the lagoon, dogs are not allowed on the beach access steps or in the surface water connecting the ocean and the lagoon.
  - (3) Lagoon Trail along Mitchell Road to and over the pedestrian bridge to the beach.
  - (4) Batteries Loop Trail (from the Battery Alexander parking lot trailhead).
- (G) Marin Headlands/Rodeo Valley (see map #7)
- (1) Rodeo Avenue Trail and Morning Sun Trail connecting to and including the Alta Trail.
  - (2) Rodeo Valley Trail from the trailhead at the intersection of Bunker and McCullough Roads to the intersection with the Bobcat Trail.
  - (3) Bobcat Trail between Rodeo Valley Trail and Miwok Trail.
  - (4) Miwok Trail from Bobcat Trail to Lagoon Trail.
  - (5) Smith Trail from parking lot to Rodeo Valley Trail.
- (H) Fort Baker (see map #8)
- (1) Parade Ground.
  - (2) The length of the Fort Baker Bay Trail from the northern parking lot off Conzelman Road at the northwest end of the Golden Gate Bridge down along Sommerville Road and up to section of same trail along East Road to the park boundary.
  - (3) Fort Baker Trail from southern intersection with Fort Baker Bay Trail at Sommerville Road to the northern intersection with the Fort Baker Bay Trail at East Road.
  - (4) Connecting trail from northeastern section of main parking lot (south of Bay Area Discovery Museum) to Fort Baker Bay Trail, and connecting paths from western side of same parking lot to Center Road.
- (I) Fort Mason (see map #9)
- (1) The multi-use Fort Mason Bay Trail (McDowell Avenue) from the north end of Van Ness Avenue at the Municipal Pier to Laguna Street.
  - (2) The Black Point Battery Trail from Van Ness Avenue through the lower gun platform level of Black Point Battery to the Fort Mason Bay Trail.
  - (3) Great Meadow paths and grass areas south of the Fort Mason Bay Trail between the western side of Building 201 (GGNRA Park Headquarters) and Laguna Street.
  - (4) The triangular grass area between Shafter Court and the park boundary along Bay Street.

TABLE 1 TO § 7.97—ON-LEASH DOG WALKING: ONE TO THREE DOGS—Continued

- (5) Grass area between MacArthur and Van Ness Avenues south of Building 9. Grass areas between MacArthur Avenue and the Fort Mason Quad residences.
- (6) Grass area between Building 101 and entrance road to Bay Street parking lot.
- (7) Grass area between Franklin Street exit to Bay Street and entrance road to Shafter Court.
- (J) Crissy Field (see map #10)
  - (1) Crissy Field Promenade from the eastern park boundary to Marine Drive.
  - (2) All access paths connecting the Promenade to Central Beach.
  - (3) All flat grass and composite areas of East Crissy Field between the Promenade Cut-off Trail and the southern section of the East Beach Picnic Trail, in the west, to the eastern park boundary, bounded in the north by the Promenade and by the Fort Mason Multi-Use Path in the south, including the East Beach picnic area.
  - (4) Crissy Airfield.
  - (5) The developed paths and hardened areas (not stairs) outside the National Marine Sanctuary's Gulf of the Farallones buildings and outside the Crissy Center facilities.
  - (6) The Mason Street Multi-Use path.
  - (7) Crissy Field Warming Hut picnic area.
- (K) Fort Point National Historic Site (see map #11)
  - (1) Northern shoulder of Marine Drive west along the multi-use access road to the fort.
  - (2) Battery East Trail from Marine Drive continuing west to the intersection with the Presidio Promenade.
  - (3) The Andrews Trail connecting to and including the full length of the Presidio Promenade from Long Avenue to the Coastal Trail.
  - (4) Coastal Trail on the western side of the southern Golden Gate Bridge approach going south to the Merchant Road parking lot and Baker Beach.
- (L) Baker Beach (see map #12)
  - (1) Coastal Trail from the connection with the Presidio Promenade at the south side of the Golden Gate Bridge to the Baker Beach parking lot.
  - (2) That section of beach extending south from access Trail #3 to the signed, restricted buffer area at Lobos Creek, and the shallow, tidal waters immediately off-shore of the on-leash area.
  - (3) Beach access Trail #3 thru Trail #6 and the access path from the 25th Avenue gate to the beach.
  - (4) All picnic areas except the south picnic area, a designated dog-free area.
- (M) Lands End (see map #13)
  - (1) Coastal Trail from the eastern park boundary near 32nd Avenue to the Lands End parking lot.
  - (2) El Camino del Mar Trail from the park boundary to the Memorial parking lot.
  - (3) Legion of Honor Trail.
  - (4) Memorial Stairs.
  - (5) Merrie Way Trail.
  - (6) The north and south Lands End Staircase Trails.
- (N) Fort Miley (see map #13)
  - (1) The East Fort Miley Trail from Clement Street to the NPS boundary at the Legion of Honor (just beyond its intersection with the Veteran's Trail).
- (O) Sutro Heights Park (see map #14)
  - (1) The access trail from the Sutro parking lot.
  - (2) Sutro Heights Loop Trail and adjacent grass lawn areas within this trail loop.
  - (3) Sutro Heights Trail and adjacent grass lawn areas between it and the Sutro Heights Loop Trail.
  - (4) La Playa Trail.
  - (5) The parapet.
- (P) Ocean Beach (see map #15)
  - (1) Coastal Trail south from the Cliff House along the sidewalk continuing on that section of trail east of the dunes paralleling the Great Highway to Sloat Boulevard.
  - (2) Beach access stairs between Stairwell #1, the northernmost stairwell closest to the Cliff House, and Stairwell #21.
- (Q) Fort Funston (see map #16)
  - (1) The Coastal Trail from the Great Highway south to the Coastal Trail Sand Ladder connecting to Funston Beach.
  - (2) The Battery Davis Trail (East).
  - (3) The John Muir Trail.
  - (4) That trail along northern edge of main parking lot between the Coastal and Chip Trails.
  - (5) That segment of the Sunset Trail from the main parking lot south to the southern parking lot below the main entrance.
- (R) Mori Point (see map #17)
  - (1) Old Mori Trail.
  - (2) Pollywog Trail.
  - (3) Coastal Trail.
  - (4) The southeastern section of Sharp Park beach within the NPS boundary.
- (S) Milagra Ridge (see map #18)
  - (1) Milagra Ridge Road within the park boundary from Sharp Park Road entrance west to the Milagra Battery Trail.
  - (2) Milagra Battery Trail from Battery #244 to the parking lot at the west boundary of the site (Connemara).
- (T) Sweeney Ridge (see map #19)
  - (1) Sneath Lane from the parking area west up to the intersection with the Sweeney Ridge Trail.
  - (2) Sweeney Ridge Trail from the Portola Discovery site to the former Nike Missile site.
- (U) Cattle Hill (see map #19) If the National Park Service acquires management responsibility for Cattle Hill, after giving public notice in accordance with 36 CFR 1.7, dog walking would be authorized on:
  - (1) The Baquiano Trail from Fassler Avenue up to Cattle Hill Trail.
  - (2) The Cattle Hill Trail.
- (V) Rancho Corral de Tierra (see map #20)
- Montara area:
  - (1) Le Conte Trail.
  - (2) Corona Pedro Trail.
  - (3) Old San Pedro Mountain Road.

TABLE 1 TO § 7.97—ON-LEASH DOG WALKING: ONE TO THREE DOGS—Continued

- 
- (4) Farallon Trail from the park boundary in the west continuing east to its intersection with the Corona Pedro Trail.
- Moss Beach area:
- (5) San Vicente Trail.
- (6) Ranchette Trail.
- El Granada area:
- (7) French Trail between the San Carlos Trail and its intersection with the Clipper Ridge Trail.
- (8) Flat Top Trail.
- (9) Clipper Ridge Trail.
- (10) Almeria Trail.
- (11) San Carlos Trail.
- 

(iii) You may walk four to six dogs per person at one time on-leash only pursuant to a permit issued by the NPS in areas designated in the following table. The maps referenced in the table will be available at park visitor centers and on the park Web site.

TABLE 2 TO § 7.97— ON-LEASH DOG WALKING: FOUR TO SIX DOGS

- 
- (A) Alta Trail (see map #5). Alta Trail from the entrance at Donahue Street south to the intersection with the Orchard Trail.
- (B) Marin Headlands/Rodeo Beach & Vicinity (see map #6)
- (1) Beach access steps at the north end of the beach. When there is a surface water connection between the ocean and the lagoon, dogs are not allowed on the beach access steps or in the surface water connecting the ocean and the lagoon.
- (2) Lagoon Trail along Mitchell Road to and over the pedestrian bridge to the beach.
- (C) Fort Baker (see map #8)
- (1) Parade Ground.
- (2) The length of the Fort Baker Bay Trail from the northern parking lot off Conzelman Road at the northwest end of the Golden Gate Bridge down along Sommerville Road and up to section of same trail along East Road to the park boundary.
- (3) Fort Baker Trail from southern intersection with Fort Baker Bay Trail at Sommerville Road to the northern intersection with the Fort Baker Bay Trail at East Road.
- (4) Connecting trail from northeastern section of main parking lot (south of Bay Area Discovery Museum) to Fort Baker Bay Trail, and connecting paths from western side of same parking lot to Center Road.
- (D) Fort Mason (see map #9)
- (1) The multi-use Fort Mason Bay Trail (McDowell Avenue) from the north end of Van Ness Avenue at the Municipal Pier to Laguna Street.
- (2) The Black Point Battery Trail from Van Ness Avenue through the lower gun platform level of Black Point Battery to the Fort Mason Bay Trail.
- (3) Great Meadow paths south of the Fort Mason Bay Trail between the western side of Building 201 (GGNRA Park Headquarters) and Laguna Street.
- (4) The triangular grass area between Shafter Court and the park boundary along Bay Street.
- (5) Grass area between MacArthur and Van Ness Avenues south of Building 9. Grass areas between MacArthur Avenue and the Fort Mason Quad residences.
- (6) Grass area between Building 101 and entrance road to Bay Street parking lot.
- (7) Grass area between Franklin Street exit to Bay Street and entrance road to Shafter Court.
- (E) Crissy Field (see map #10)
- (1) Crissy Airfield.
- (2) Crissy Promenade: The portion of the trail leading from the western-most side of the East Beach parking lot to the eastern-most access path to Central Beach; and those short segments of the Crissy Promenade that provide a direct crossing and connection between the Crissy Airfield paths and the paths leading to the western portion of Central Beach, designated for Direct Beach Access.
- (3) The Mason Street Multi-Use path.
- (F) Baker Beach (see map #12)
- (1) Beach access Trail #3 thru Trail #6 and the access path from the 25th Avenue gate to the beach.
- (2) That section of beach extending south from access Trail # 3 to the signed, restricted buffer area at Lobos Creek, and the shallow, tidal waters immediately off-shore of the on-leash area.
- (G) Fort Funston (see map #16)
- (1) The Coastal Trail between the Funston Beach Trail (North) to the Coastal Trail Sand Ladder on Funston Beach.
- (2) The Battery Davis Trail (East).
- (3) The John Muir Trail.
- (4) That trail along northern edge of main parking lot between the Coastal and Chip Trails
- (5) That segment of the Sunset Trail from the main parking lot south to the southern parking lot below the main entrance.
- 

(iv) You may walk one to three dogs per person at one time on-leash or under voice and sight control in the Sight Control Areas designated in the following table. The maps referenced in the table will be available at park visitor centers and on the park Web site.

TABLE 3 TO § 7.97—VOICE AND SIGHT CONTROL OR ON-LEASH DOG WALKING: ONE TO THREE DOGS

- 
- (A) Marin Headlands/Rodeo Beach and Vicinity (see map #6). On the beach west and south of the signed or fenced buffer areas from the northern terminus of the beach south to the "sea stacks" which divide Rodeo Beach from South Rodeo Beach, including the adjacent waters immediately off-shore. When there is a surface water connection between the ocean and the lagoon, dogs are not allowed on the beach access steps or in the surface water connecting the ocean and the lagoon.

TABLE 3 TO § 7.97—VOICE AND SIGHT CONTROL OR ON-LEASH DOG WALKING: ONE TO THREE DOGS—Continued

- (B) Fort Mason (see map #9). The southwest section of upper Fort Mason bounded on the northwest by the diagonal path connecting the Fort Mason Bay Trail to the Laguna Street path and continuing southward to Bay Street and then eastward to the parking lot and north to the hedges bordering the path around the Great Meadow, continuing northwest back to the Fort Mason Bay Trail.
- (C) Crissy Field (Central Beach) (see map #10). Central Beach from the fenced, eastern boundary of the western foredunes to the fenced buffer zone on the west side of the tidal marsh outlet to the bay, including the adjacent waters immediately off-shore, but not including the dunes, on-leash paths to the beach, or the sand spit and waters north of the tidal marsh outlet.
- (D) Crissy Field (Crissy Airfield) (see map #10). Central area of Crissy Airfield, bounded by the middle path on its western side and a newly-proposed path (aligned in the north from the second-most western access to Central beach to the Mason Street multi-use path in the south) on its eastern side and by on-leash buffers along its northern and southern boundaries.
- (E) Ocean Beach (see map #15). The northern terminus of the beach to Stairwell 21, including the adjacent waters immediately off-shore.
- (F) Fort Funston (Upper Funston) (see map #16)
- (1) The area northeast of the Funston Trail, bordered by a signed northern border paralleling and aligned with the Funston Beach (North) Trail, east to the bottom of the embankment in the northeast, and the tree line in the east and south.
  - (2) The Funston Trail.
  - (3) The area east of, but not including, the Coastal Trail, north of the main parking lot, encompassing the Chip Trail and its eastern embankment, to the intersection with the on-leash John Muir Trail.
  - (4) The Battery Davis Trail (West).
- (G) Fort Funston (Funston Beach) (see map #16)
- (1) Funston Beach extending south from the intersection with Funston Beach Trail (North) to the intersection with, but not including, the Coastal Trail Sand Ladder on the beach; includes the adjacent waters immediately off-shore.
  - (2) Funston Beach Trail (North).

(v) You may walk four to six dogs per person at one time on-leash or under voice and sight control only pursuant to a permit issued by the NPS in the Voice and Sight Control Areas designated in the following table. The maps referenced in the table will be available at park visitor centers and on the park Web site.

TABLE 4 TO § 7.97—VOICE AND SIGHT CONTROL OR ON-LEASH DOG WALKING: FOUR TO SIX DOGS

- (A) Marin Headlands/Rodeo Beach & Vicinity (see map #6). On the beach west and south of the signed or fenced buffer areas from the northern terminus of the beach south to the “sea stacks” which divide Rodeo Beach from South Rodeo Beach, including the adjacent waters immediately off-shore. When there is a surface water connection between the ocean and the lagoon, dogs are not allowed on the beach access steps or in the surface water connecting the ocean and the lagoon.
- (B) Fort Mason (see map #9). The southwest section of upper Fort Mason bounded on the northwest by the diagonal path connecting the Fort Mason Bay Trail to the Laguna Street path and continuing southward to Bay Street and then eastward to the parking lot and north to the hedges bordering the path around the Great Meadow, continuing northwest back to the Fort Mason Bay Trail.
- (C) Crissy Field (Central Beach) (see map #10). Central Beach from the fenced, eastern boundary of the western foredunes to the fenced buffer zone on the west side of the tidal marsh outlet to the bay, including the adjacent waters immediately off-shore, but not including the dunes, on-leash paths to the beach, or the sand spit and waters north of the tidal marsh outlet.
- (D) Crissy Field (Crissy Airfield) (see map #10). Central area of Crissy Airfield, bounded by the middle path on its western side and a newly-proposed (aligned in the north from the second-most western access to Central beach to the Mason Street multi-use path in the south) path on its eastern side and by on-leash buffers along its northern and southern boundaries.
- (E) Ocean Beach (see map #15). The northern terminus of the beach to Stairwell 21, including the adjacent waters immediately off-shore.
- (F) Fort Funston (Upper Funston) (see map #16)
- (1) The area northeast of the Funston Trail, bordered by a signed northern border paralleling and aligned with the Funston Beach (North) Trail, east to the bottom of the embankment in the northeast, and the tree line in the east and south.
  - (2) The Funston Trail.
  - (3) The area east of, but not including, the Coastal Trail, north of the main parking lot, encompassing the Chip Trail and its eastern embankment, to the intersection with the on-leash John Muir Trail.
  - (4) The Battery Davis Trail (West).
- (G) Fort Funston (Funston Beach) (see map #16)
- (1) Funston Beach extending south from the intersection with Funston Beach Trail (North) to the intersection with, but not including, the Coastal Trail Sand Ladder on the beach; includes the adjacent waters immediately off-shore.
  - (2) Funston Beach Trail (North).

(vi) You may not walk a dog on- or off-leash in campgrounds, public buildings, designated swimming beaches, sensitive habitat areas, and any other areas not specifically opened to dog walking in this paragraph (d).

(vii) If the park adds new trails to the park's trail system in any of the 22 locations covered by this paragraph (d), the superintendent may designate such trails as open to on-leash dog walking. If the state and local entities with land management authority for Sharp Park Beach decide to change dog walking

uses at Sharp Park Beach, the superintendent may designate the small, adjacent southeast corner (0.2 acres) of the beach that is administered by the NPS for the same use. Notice of this change will be provided by one or more of the methods in section 1.7 of this chapter.

(viii) Areas open to dog walking by this paragraph (d) will be identified on maps available at park visitor centers and on the park Web site.

(4) *When must I have a leash?* A leash must be attached to each dog and

simultaneously held by the dog walker, unless the dog is present in a Voice and Sight Control Area or the dog is fully confined in a vehicle, cage or crate. In a Voice and Sight Control Area, a leash for each dog must be carried by the dog walker but does not have to be attached to the dog, provided that the dog is under voice and sight control.

(5) *How many dogs may I walk at one time without a permit?* You may walk up to three dogs at one time per person within areas designated as open to dog walking in paragraph (d) of this section

in accordance with the leash requirements that apply to each area.

(6) *May I leave a dog unattended?* No. An unattended dog is prohibited.

(7) *May I walk more than three dogs at one time?* (i) Walking four to six dogs per person at one time is prohibited unless you obtain a dog walking permit from the NPS and remain in areas designated for that use in paragraph (d)(3) of this section during the times specified in paragraph (d)(9) below.

(ii) Walking more than six dogs at one time is prohibited.

(iii) Persons may not enter the park with more than six dogs at one time. In addition, dog walkers entering the park with four or more dogs may not circumvent the permit requirement by leaving dogs unattended or in a parked vehicle while they walk fewer than four dogs at one time.

(8) *How do I obtain an NPS dog walking permit?* (i) Annual permits may be obtained by applying in person at the Golden Gate National Recreation Area, Office of Special Uses, Fort Mason, San Francisco, CA. 94123, or on the park Web site. All permits will require proof of liability insurance and proof of successfully completing a dog-handling training course that is accepted by the superintendent. The NPS charges a fee to recover the costs of administering the special use permits. Permit applicants must pay the fee charged by the NPS in order to obtain a special use permit.

(ii) Violation of a term or condition of a permit issued in accordance with this section is prohibited. In addition, the superintendent may temporarily or permanently revoke a person's dog walking permit, or deny a person's request for a dog walking permit, based upon documented violation(s) of NPS regulations or failure to comply with the terms and conditions of a dog walking permit.

(9) *At what times will permitted dog walking of four to six dogs be allowed?* Permitted dog walking of four to six dogs is only authorized Monday through Friday between 8 a.m. and 5 p.m. The times for permitted dog walking of four to six dogs may be adjusted by the superintendent following public notice consistent with one of the methods listed in § 1.7(a) of this chapter.

(10) *What other restrictions apply in areas open to dog walking under this paragraph (d)?* (i) All dogs must have identification tags affixed to their collar that confirm proof of current rabies vaccinations and their owner's name, address, and phone number; except as provided for in paragraph (d)(10)(ii) of this section.

(ii) In counties or municipalities where an annual dog license is issued

that requires proof of a current rabies vaccination, a valid, current county or municipal license tag suffices for such proof. In counties or municipalities where such current rabies documentation is not required, where such "annual" tags are not issued or where counties or municipalities are not able to release that information to NPS for purposes of health and safety or law enforcement, a dog walker must produce official documentation meeting the requirements in paragraph (d)(10)(i) of this section when asked by any authorized person.

(iii) A dog walker must immediately pick up a dog's excrement and place it in a designated garbage container or remove it from the park. Excrement may not be left on the ground, even if bagged, and may not be deposited in compost or recycling receptacles, or left on the ground in the park for collection later.

(iv) An uncontrolled dog is prohibited. A dog walker must be in control of his or her dog at all times regardless of circumstances or distractions. An authorized person may instruct a dog walker to remove an uncontrolled dog from the park.

(v) A dog in heat is prohibited.

(vi) A dog under four months old must be leashed, crated or confined in a carrier at all times, including in Voice and Sight Control Areas.

(vii) Dogs are not allowed to breed in the park.

(11) *May the superintendent impose additional closures or restrictions in areas open to dog walking?* Yes. Areas or portions thereof that are open to on-leash or off-leash dog walking may be closed or subject to additional restrictions by the superintendent, on a temporary or permanent basis, for the protection or restoration of park resources, special events, implementation of management responsibilities, health and safety, infrastructure projects, visitor use conflicts, or other factors within the discretion of the superintendent. Except in emergency situations, the NPS will provide public notice of such changes under one or more of the methods listed in § 1.7 of this chapter before any such changes are implemented.

Dated: January 28, 2016.

**Michael Bean,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2016-03731 Filed 2-23-16; 8:45 am]

**BILLING CODE 4310-EJ-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 151210999-6081-01]

RIN 0648-BF59

#### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 27

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** NMFS proposes to approve and implement measures included in Framework Adjustment 27 to the Atlantic Sea Scallop Fishery Management Plan, which the New England Fishery Management Council adopted and submitted to NMFS for approval. The purpose of Framework 27 is to prevent overfishing, improve yield-per-recruit, and improve the overall management of the Atlantic sea scallop fishery. Framework 27 would: Set specifications for the scallop fishery for fishing year 2016, including days-at-sea allocations, individual fishing quotas, and sea scallop access area trip allocations; create a new rotational closed area south of Closed Area II to protect small scallops; and open the northern portion of the Nantucket Lightship Access Area to the Limited Access General Category fleet and transfer 19 percent of the Limited Access General Category access area trips from the Mid-Atlantic Access Area to the northern portion of the Nantucket Lightship Access Area.

**DATES:** Comments must be received by March 25, 2016.

**ADDRESSES:** The Council is developing an environmental assessment (EA) for this action that describes the proposed measures and other considered alternatives and provides a thorough analysis of the impacts of the proposed measures and alternatives. The Council submitted a decision draft of the framework to NMFS that includes the draft EA, a description of the Council's preferred alternative, the Council's rationale for selecting each alternative, and an Initial Regulatory Flexibility Analysis (IRFA). Copies of the decision draft of the framework, the draft EA, and the IRFA, are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

You may submit comments on this document, identified by NOAA–NMFS–2015–0164, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2015-0164](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2015-0164), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, “Comments on Scallop Framework 27 Proposed Rule.”

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:**  
Travis Ford, Fishery Policy Analyst,  
978–281–9233.

**SUPPLEMENTARY INFORMATION:**

**Background**

The scallop fishery’s management unit ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Scallop Fishery Management Plan (FMP), established in 1982, includes a number of amendments and framework adjustments that have

revised and refined the fishery’s management. The Council sets scallop fishery specifications through framework adjustments that occur annually or biennially. The Council adopted Framework 27 on December 3, 2015, and submitted a draft of the framework to NMFS on December 22, 2015, for review and approval. This annual action includes catch, effort, and quota allocations and adjustments to the rotational area management program for fishing year 2016.

Framework 27 specifies measures for fishing year 2016, and includes fishing year 2017 measures that will go into place as a default should the next specifications-setting framework be delayed beyond the start of fishing year 2017. NMFS will implement Framework 27, if approved, after the start of fishing year 2016; 2016 default measures concerning allocations will go into place as of March 1, 2016. These default measures are more conservative than the Framework 27 proposed allocations and would be replaced by the higher Framework 27 allocations if this action is approved. The Council has reviewed the Framework 27 proposed rule regulations as drafted by NMFS and deemed them to be necessary and appropriate as specified in section 303(c) of the Magnuson–Stevens Fishery Conservation and Management Act (MSA).

*Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Set-Asides for the 2016 Fishing Year and Default Specifications for Fishing Year 2017*

The Council set the proposed OFL based on a fishing mortality (F) of 0.48, equivalent to the F threshold updated through the 2014 assessment. The Council bases the proposed ABC and the equivalent total ACL for each fishing

year on an F of 0.38, which is the F associated with a 25-percent probability of exceeding the OFL. The Council’s Scientific and Statistical Committee recommended a scallop fishery ABC for both the 2016 and 2017 fishing years of 83.4 million lb (37,852 mt), after accounting for discards and incidental mortality. The Scientific and Statistical Committee will reevaluate an ABC for 2017 when the Council develops the next framework adjustment.

Table 1 outlines the proposed scallop fishery catch limits that are derived from the ABC values. After deducting the incidental target total allowable catch (TAC) and the research set-aside (RSA) and the observer set-aside, the remaining ACL available to the fishery is allocated according to the fleet proportions established in Amendment 11 to the FMP (72 FR 20090; April 14, 2008): 94.5 percent allocated to the limited access (LA) scallop fleet (i.e., the larger “trip boat” fleet); 5 percent allocated to the limited access general category (LAGC) individual fishing quota (IFQ) fleet (i.e., the smaller “day boat” fleet); and the remaining 0.5 percent allocated to LA scallop vessels that also have LAGC IFQ permits. Amendment 15 to the FMP (76 FR 43746; July 21, 2011) specified that no buffers to account for management uncertainty are necessary in setting the LAGC ACLs, meaning that the LAGC ACL would equal the LAGC ACT. As a result, the LAGC ACL values in Table 1, based on an F of 0.38, represent the amount of catch from which IFQ percentage shares will be applied to calculate each vessel’s IFQ for a given fishing year. For the LA fleet, the management uncertainty buffer is based on the F associated with a 75-percent probability of remaining below the F associated with ABC/ACL, which, using the updated Fs applied to the ABC/ACL, now results in an F of 0.34.

TABLE 1—SCALLOP CATCH LIMITS (mt) FOR FISHING YEARS 2016 AND 2017 FOR THE LA AND LAGC IFQ FLEETS

	2016	2017 (default)
Overfishing Limit .....	68,418	68,418
Acceptable Biological Catch/ACL (discards removed) .....	37,852	37,852
Incidental Catch .....	23	23
Research Set-Aside (RSA) .....	567	567
Observer Set-Aside .....	379	379
ACL for fishery .....	36,884	36,884
LA ACL .....	34,855	34,855
LAGC ACL .....	2,029	2,029
LAGC IFQ .....	1,845	1,845
LA with LAGC IFQ .....	184	184
LA ACT .....	18,290	18,290

This action would deduct 1.25 million lb (567 mt) of scallops annually for 2016 and 2017 from the ABC and set it aside as the Scallop RSA to fund scallop research and to compensate participating vessels through the sale of scallops harvested under RSA projects. As of March 1, 2016, this set-aside will be available for harvest by RSA-funded projects in open areas. Framework 27 would allow RSA to be harvested from the Mid-Atlantic Access Area (MAAA) that is proposed to be open for 2016, once this action is approved and implemented, but would prevent RSA harvesting from access areas under 2017 default measures. Of this 1.25 million lb (567 mt) allocation, NMFS has already allocated 3,393 lb (1.5 mt) to previously funded multi-year projects as part of the 2015 RSA awards process. NMFS is reviewing proposals submitted for consideration of 2016 RSA awards and will be selecting projects for funding in the near future.

This action would also set aside 1 percent of the ABC for the industry-funded observer program to help defray the cost of scallop vessels that carry an observer. The observer set-aside for fishing years 2016 and 2017 is 379 mt. The Council may adjust the 2017 observer set-aside when it develops specific, non-default measures for 2017.

*Open Area Days-at-Sea (DAS) Allocations*

This action would implement vessel-specific DAS allocations for each of the

three LA scallop DAS permit categories (i.e., full-time, part-time, and occasional) for 2016 and 2017 (Table 2). Proposed 2016 DAS allocations are higher than those allocated to the LA fleet in 2015 (30.86 DAS for full-time, 12.94 DAS for part-time, and 2.58 DAS for occasional vessels). We project DAS in fishing year 2017 to increase, but Framework 27 would set 2017 DAS allocations equal to fishing year 2016 as a precautionary measure. This is to avoid over-allocating DAS to the fleet in the event that the 2017 specifications action, if delayed past the start of the 2017 fishing year, estimates that DAS should be less than currently projected. The proposed allocations in Table 2 exclude any DAS deductions that are required if the LA scallop fleet exceeded its 2015 sub-ACL. In addition, these DAS values take into account a 0.14–DAS reduction necessary to compensate for a measure implemented in Framework Adjustment 26 to the FMP (80 FR 22119; April 21, 2015) that allows vessel to transit to ports south of 39° N. Lat. while not on DAS.

TABLE 2—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2016 AND 2017

Permit category	2016	2017
Full-Time .....	34.55	34.55
Part-Time .....	13.82	13.82
Occasional .....	2.88	2.88

On March 1, 2016, full-time, part-time, and occasional vessels will receive 26, 10.40, and 2.17 DAS, respectively. These allocations would increase as soon as we implement Framework 27, if approved.

*LA Allocations and Trip Possession Limits for Scallop Access Areas*

For fishing year 2016 and the start of 2017, Framework 27 would keep all three Georges Bank Access Areas (i.e., Nantucket Lightship (NLS), Closed Area 1, and Closed Area 2 Access Areas) closed and keep the MAAA open to the LA fleet. This action proposes to close a new area, the Closed Area 2 Extension, to protect small scallops located south of the current Closed Area 2 boundary. The Council will reconsider this proposed closure area in a future framework action when the scallops are larger and ready for harvest.

Table 3 outlines the proposed LA allocations that can be fished from the MAAA, which could be taken in as many trips as needed, so long as the trip possession limits (also in Table 3) are not exceeded. These proposed access area allocations for 2016 are equivalent to access area allocations for 2015.

TABLE 3—SCALLOP ACCESS AREA LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2016 AND 2017

Permit category	Possession limits	2016 vessel allocation	2017 vessel allocation
Full-Time .....	17,000 lb (7,711 kg) .....	51,000 lb (23,133 kg) .....	17,000 lb (7,711 kg).
Part-Time .....	10,200 lb (4,627 kg) .....	20,400 lb (9,253 kg) .....	10,200 lb (4,627 kg).
Occasional .....	1,420 lb (644 kg) .....	4,250 lb (1,928 kg) .....	1,420 lb (644 kg).

*Additional Measures To Reduce Impacts on Scallops*

1. Delayed Harvesting of Default 2017 MAAA Allocations. Although the Framework would include precautionary access area allocations for the 2017 fishing year (see 2017 allocations in Table 4), vessels would have to wait to fish these allocations until April 1, 2017. This precautionary measure is designed to protect scallops when scallop meat weights are lower than other times of the year (generally, this change in meat-weight is a physiological change in scallops due to spawning). However, if a vessel has not fully harvested its 2016 scallop access area allocation in fishing year 2016, it may still fish the remainder of its

allocation in the first 60 days of 2017 (i.e., March 1, 2017, through April 29, 2017).

2. 2017 RSA Harvest Restrictions. This action proposes that vessels participating in RSA projects would be prohibited from harvesting RSA in access areas under default 2017 measures. At the start of 2017, RSA could only be harvested from open areas. The Council would re-evaluate this measure in the framework action that would set final 2017 specifications.

*LAGC Measures*

1. *ACL for LAGC vessels with IFQ permits.* For LAGC vessels with IFQ permits, this action proposes a 1,845-mt ACL for 2016 and an initial ACL of

1,845 mt for 2017 (Table 1). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. IFQ allocations for each vessel assume that no LAGC IFQ AMs are triggered. The accountability measure (AM) dictates that if a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year is reduced by the amount of the overage.

Because Framework 27 would not go into effect until after the March 1 start of fishing year 2016, the default 2016 IFQ allocations will go into effect. These default 2016 IFQ allocations are lower than those proposed in Framework 27. If approved, this action would increase the current vessel IFQ allocations.



NMFS will send a letter to IFQ permit holders providing both March 1, 2016, IFQ allocations and Framework 27 proposed IFQ allocations so that vessel owners know what mid-year adjustments would occur if NMFS approves Framework 27.

2. *ACL for LA Scallop Vessels with IFQ Permits.* For LA scallop vessels with IFQ permits, this action proposes a 184-mt ACL for 2016 and an initial 184-mt ACL for 2017 (Table 1). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. IFQ allocations for each vessel assume that no LAGC IFQ AMs are triggered. The AM dictates that if a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year would be reduced by the amount of the overage.

3. *LAGC IFQ Trip Allocations and Possession Limits for Scallop Access Areas.* Framework 27 proposes that LAGC IFQ vessels would receive a fleetwide number of trips in the MAAA and a fleetwide number of trips in the northern portion of the Nantucket Lightship Access Area (NLSN). This action would not grant access to the NLSN to the LA fleet. Under other alternatives in the Framework, all of the LAGC IFQ access area trips were allocated in the MAAA. However, the Council wanted to provide opportunities for more LAGC vessels throughout the region (North Carolina to Massachusetts) to have access in areas with higher catch rates compared to open areas. Based on the biological and economic projections, both the short and long term impacts of providing LAGC access to the NLSN are similar to keeping the area closed to all vessels. Because LAGC vessels are limited in their range, LAGC vessels homeported in New England may benefit from increased access to scallops in this access area closer to their home ports.

Framework 27 would allocate 2,068 and 602 trips in 2016 and 2017, respectively, to the MAAA. Under default 2017 measures, LAGC IFQ vessels must wait to fish these trips until April 1, 2017. It would also allocate 485 trips to the NLSN for fishing year 2016. The total number of trips (2,553) for fishing year 2016 is equivalent to the overall proportion of total catch from access areas compared to total catch. Framework 27 would not allocate any trips in NLSN for the 2017 fishing year.

4. *NGOM TAC.* This action proposes a 70,000-lb (31,751-kg) annual NGOM TAC for fishing years 2016 and 2017. The allocation for 2016 assumes that there are no overages in 2015, which would trigger a pound-for-pound

deduction in 2016 to account for the overage.

5. *Scallop Incidental Catch Target TAC.* This action proposes a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2016 and 2017 to account for mortality from this component of the fishery, and to ensure that F targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

#### *Regulatory Corrections Under Regional Administrator Authority*

This proposed rule includes several revisions to the regulatory text to address text that is unnecessary, outdated, unclear, or NMFS could otherwise improve. NMFS proposes these changes consistent with section 305(d) of the MSA which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the MSA. The first revision, at § 648.14(i)(2)(ii)(B)(7), would clarify that the crew member restrictions, specified in § 648.51(c) and § 648.51(e)(3)(i), apply in all access areas. The second revision, at § 648.14(i)(3)(v)(C), would clarify that LAGC IFQ vessels must be declared into the Sea Scallop Access Area Program if they fish for, possess, or land scallops in or from any Sea Scallop Access Area. The third revision, at § 648.51(e)(2), clarifies that vessels participating in the small dredge program may carry component parts on board the vessel such that they do not conform with the definition of "dredge or dredge gear." The fourth revision, at § 648.52(f), clarifies that LAGC IFQ vessels are permitted to possess no more than 75 bu (26.4 hL) of in-shell scallops outside of the Access Areas. Finally, the fifth revision, at § 648.60(g)(2), clarifies that IFQ LAGC vessels may fish with trawl gear in the MAAA.

#### **Classification**

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the FMP, other provisions of the MSA, and other applicable law. In making the final determination, NMFS will consider the data, views, and comments received during the public comment period.

This proposed rule does not contain policies with federalism implications under Executive Order 13132.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

An IRFA has been prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA consists of Framework 27 analyses, the draft IRFA, and the preamble to this action.

#### *Description of the Reasons Why Action by the Agency Is Being Considered and Statement of the Objectives of, and Legal Basis for, This Proposed Rule*

This action proposes the management measures and specifications for the Atlantic sea scallop fishery for 2016, with 2017 default measures. A description of the action, why it is being considered, and the legal basis for this action are contained in Framework 27 and the preamble of this proposed rule and are not repeated here.

#### *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule*

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

#### *Federal Rules Which May Duplicate, Overlap or Conflict With This Proposed Rule*

The proposed regulations do not create overlapping regulations with any state regulations or other federal laws.

#### *Description and Estimate of Number of Small Entities to Which the Rule Would Apply*

The proposed regulations would affect all vessels with LA and LAGC scallop permits. The Framework 27 decision draft provides extensive information on the number and size of vessels and small businesses that would be affected by the proposed regulations, by port and state (see **ADDRESSES**). There were 313 vessels that obtained full-time LA permits in 2014, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time LA permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 220 LAGC IFQ permits in 2014 and 128 of these vessels actively fished for scallops that year (the remaining permits likely leased out scallop IFQ allocations with their permits in Confirmation of Permit History). The RFA defines a small business in shellfish fishery as a firm that is independently owned and operated and not dominant in its field of operation, with receipts of up to \$5.5 million annually. Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans,

even beyond those impacted by the proposed action. Furthermore, multiple permitted vessels and/or permits may be owned by entities with various personal and business affiliations. For the purposes of this analysis, “ownership entities” are defined as those entities with common ownership as listed on the permit application. Only permits with identical ownership are categorized as an “ownership entity.” For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one “ownership entity,” that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate “ownership entity” for the purpose of this analysis.

Ownership data from 2014 result in 166 distinct ownership entities for the LA fleet and 106 distinct ownership entities for the LAGC IFQ fleet. Of these, and based on the Small Business Administration (SBA) guidelines, 152 of the LA distinct ownership entities and 102 of the LAGC IFQ entities are categorized as small. The remaining 14 of the LA and 4 of the LAGC IFQ entities are categorized as large entities, all of which are shellfish businesses.

*Description of Significant Alternatives to the Proposed Action Which Accomplish the Stated Objectives of Applicable Statutes and Which Minimize Any Significant Economic Impact on Small Entities*

The proposed alternative would allocate each full-time LA vessel 34.55

open area DAS and a 51,000 lb (23,133 kg) allocation in the MAAA. The LAGC IFQ ACL is 4,473,180 lb (2,029 mt) and this fleet is allocated access area trips in the MAAA and NLSN which would be open to LAGC vessels only. NMFS expects that this alternative would positively impact profitability of small entities regulated by this action in 2016. NMFS expects the estimated revenues and net revenue for scallop vessels and small business entities would be higher under all considered allocations alternatives, including the preferred alternative, than under the No Action alternative (i.e., 2016 default measures conservatively set through Framework 26).

Framework 27 includes five allocation alternatives including the “No Action” alternative. The preferred alternative (Alternative 3A) would have about 43 percent higher benefits compared to the No Action which would translate to higher profits. However, it would have lower revenue compared to other alternatives in the 2016 fishing year (Table 4).

Alternative 2 would set target catches using the three principles developed as part of the “hybrid” overfishing definition approved in Amendment 15, and not include additional closures or modifications to boundaries of the overall area rotation program. Each full-time LA vessel would be allocated 36.53 DAS for the open areas and a 51,000 lb (23,133 kg) allocation in the MAAA and Closed Area 2 (one access area per trip; split trips for the fleet).

Under Alternative 3 each full-time vessel would be allocated 34.55 DAS

and 51,000 lb (23,133 kg) to MAAA and Closed Area 2 (one access area per trip; split trips for the fleet). However, a new area south of Closed Area 2 would be closed to fishing to protect the small scallops. Preferred Alternative 3A is similar to Alternative 3, except LA vessels would not be allocated trips in Closed Area 2. Instead, those trips would be shifted to MAAA with the existing Elephant Trunk Closed Area closed, Closed Area 1 and Closed Area 2 access areas closed, and NLSN open to LAGC vessels only. Similar to the other alternatives, each full-time LA vessel would be allocated 51,000 lb (23,133 kg) in MAAA.

Alternative 4 would extend the boundaries of the existing Elephant Trunk Closed Area which was closed to fishing in 2015 to protect small scallops, but open area DAS and access area allocations would be similar to Alternative 2.

Allocations for Alternative 5 would be similar to the allocations for Alternative 2; however, in addition to the MAAA and Closed Area 2, this alternative would also provide a limited amount of effort, for both the LA and the LAGC fleets, to a portion of the NLSN expected to have lower densities of small scallops.

TABLE 4—ESTIMATED FLEET REVENUE AND REVENUE PER LIMITED ACCESS VESSEL IN 2015 DOLLARS

Alternatives	Total revenue	Revenue per FT vessel	% Change from No Action
ALT1. No Action .....	379.3	1,081,573	.....
ALT2. Basic Run .....	555.5	1,585,671	47
ALT3. CA2 ext .....	540.5	1,542,766	43
ALT3A. CA2 ext .....	538.7	1,537,502	42
ALT4. ETA ext .....	557.6	1,591,545	47
ALT5. NLS Acc .....	557.1	1,590,136	47

As for LAGC IFQ access area allocations, the preferred alternative (Option 2) would provide proportional access for LA and LAGC IFQ for the access areas. The number of trips would be based on the total proportion of catch from access areas compared to open areas (34 percent for 2,553 trips). Thus, it would allocate about 1.5 million lb (680 mt) of the total LAGC allocation of 4.4 million lb (1996 mt) from access areas, while about 3 million lb would still be left of the LAGC quota to be

harvested in open areas. Preferred area option (option 3) would allocate about 19 percent of these trips (or 300,000 lb (136 mt)) to the NLSN which is open to LAGC vessels only. Because of the proximity of the LAGC vessels which are smaller in size and homeported in Massachusetts to NLSN, this option will reduce fishing costs and have positive impacts on their profits. Therefore, preferred alternative for LAGC access area allocations would have highest economic benefits compared to both No

Action allocations and other options that allocate a smaller percentage of access area trips to the LAGC fishery.

**List of Subjects 50 CFR Part 648**

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 17, 2016.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

■ 2. In § 648.14, paragraphs (i)(2)(ii)(B)(7) and (i)(3)(v)(B) are revised, and paragraph (i)(3)(v)(C) is added to read as follows:

§ 648.14 Prohibitions.

\* \* \* \* \*

- (i) \* \* \*
(2) \* \* \*
(ii) \* \* \*
(B) \* \* \*

(7) Fish in a Sea Scallop Access Area, as described in § 648.59, with more persons on board the vessel than the number specified in § 648.51(c) or § 648.51(e)(3)(i), unless otherwise authorized by the Regional Administrator.

\* \* \* \* \*

- (3) \* \* \*
(v) \* \* \*

(B) Declare into or leave port for an area specified in § 648.59(a) through (d) after the effective date of a notification published in the Federal Register stating that the number of LAGC trips have been taken, as specified in § 648.60.

(C) Fish for, possess, or land scallops in or from any Sea Scallop Access Area specified at § 648.59, unless declared into the Sea Scallop Access Area Program.

\* \* \* \* \*

■ 3. In § 648.51, paragraph (e)(2) is revised to read as follows:

§ 648.51 Gear and crew restrictions.

\* \* \* \* \*

- (e) \* \* \*

(2) The vessel may not use or have more than one dredge on board. However, component parts may be on board the vessel such that they do not conform with the definition of "dredge or dredge gear" in § 648.2, i.e., the metal ring bag and the mouth frame, or bail, of the dredge are not attached, and no more than one complete spare dredge could be made from these component's parts.

\* \* \* \* \*

■ 4. In § 648.52, paragraph (f) is revised to read as follows:

§ 648.52 Possession and landing limits.

\* \* \* \* \*

(f) A limited access vessel or an LAGC vessel that is declared into the Sea Scallop Area Access Program as described in § 648.60, may not possess more than 50 bu (17.6 hL) or 75 bu (26.4 hL), respectively, of in-shell scallops outside of the Access Areas described in § 648.59(a) through (e).

\* \* \* \* \*

■ 5. In § 648.53, paragraphs (a), (b)(1), (b)(4), and (g)(1) are revised, and paragraph (h)(5)(iv)(D) is removed to read as follows:

§ 648.53 Acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), DAS allocations, and individual fishing quotas (IFQ).

(a) Scallop fishery ABC. The ABC for the scallop fishery shall be established through the framework adjustment process specified in § 648.55 and is equal to the overall scallop fishery ACL minus discards. The ABC/ACL, after discards are removed, shall be divided as sub-ACLs between limited access vessels, limited access vessels that are fishing under a LAGC permit, and LAGC vessels as specified in paragraphs (a)(3) and (4) of this section, after deducting the scallop incidental catch target TAC specified in paragraph (a)(2) of this section, observer set-aside specified in paragraph (g)(1) of this section, and research set-aside specified in § 648.56(d). The ABC/ACL for the 2017 fishing year is subject to change through a future framework adjustment.

(1) ABC/ACL for fishing years 2016 through 2017, excluding discards, shall be:

- (i) 2016: 37,852 mt.
(ii) 2017: 37,852 mt.

(2) Scallop incidental catch target TAC. The annual incidental catch target TAC for vessels with incidental catch scallop permits is 22.7 mt.

(3) Limited access fleet sub-ACL and ACT. The limited access scallop fishery shall be allocated 94.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(3). ACT for the limited access scallop fishery shall be established through the framework adjustment process described in § 648.55. DAS specified in paragraph (b) of this section shall be based on the ACTs specified in paragraph (a)(3)(ii) of this section. The limited access fleet sub-ACL and ACT for the 2017 fishing year are subject to change through a future framework adjustment.

(j) The limited access fishery sub-ACLs for fishing years 2016 and 2017 are:

- (A) 2016: 36,884 mt.
(B) 2017: 36,884 mt.

(ii) The limited access fishery ACTs for fishing years 2016 and 2017 are:

- (A) 2016: 18,290 mt.
(B) 2017: 18,290 mt.

(4) LAGC fleet sub-ACL. The sub-ACL for the LAGC IFQ fishery shall be equal to 5.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The LAGC IFQ fishery ACT shall be equal to the LAGC IFQ fishery's ACL. The ACL for the LAGC IFQ fishery for vessels issued only a LAGC IFQ scallop permit shall be equal to 5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The ACL for the LAGC IFQ fishery for vessels issued only both a LAGC IFQ scallop permit and a limited access scallop permit shall be 0.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4).

(i) The ACLs for fishing years 2016 and 2017 for LAGC IFQ vessels without a limited access scallop permit are:

- (A) 2016: 1,845 mt.
(B) 2017: 1,845 mt.

(ii) The ACLs for fishing years 2016 and 2017 for vessels issued both a LAGC and a limited access scallop permits are:

- (A) 2016: 184 mt.
(B) 2017: 184 mt.

(b) \* \* \*

(1) Landings per unit effort (LPUE).

LPUE is an estimate of the average amount of scallops, in pounds, that the limited access scallop fleet lands per DAS fished. The estimated LPUE is the average LPUE for all limited access scallop vessels fishing under DAS, and shall be used to calculate DAS specified in paragraph (b)(4) of this section, the DAS reduction for the AM specified in paragraph (b)(4)(ii) of this section, and the observer set-aside DAS allocation specified in paragraph (g)(1) of this section. LPUE shall be:

- (i) 2016 fishing year: 2,316 lb/DAS (1,051 kg/DAS).
(ii) 2017 fishing year: 2,690 lb/DAS (1,220 kg/DAS).
(iii) [Reserved]

\* \* \* \* \*

(4) Each vessel qualifying for one of the three DAS categories specified in the table in this paragraph (b)(4) (full-time,

part-time, or occasional) shall be allocated the maximum number of DAS for each fishing year it may participate in the open area limited access scallop fishery, according to its category, excluding carryover DAS in accordance with paragraph (d) of this section. DAS allocations shall be determined by distributing the portion of ACT specified in paragraph (a)(3)(ii) of this section, as reduced by access area allocations specified in § 648.59, and dividing that amount among vessels in the form of DAS calculated by applying estimates of open area LPUE specified in paragraph (b)(1) of this section. Allocation for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS allocations, respectively. The annual open area DAS allocations for each

category of vessel for the fishing years indicated are as follows:

**SCALLOP OPEN AREA DAS ALLOCATIONS**

Permit category	2016	2017
Full-Time .....	34.55	34.55
Part-Time .....	13.82	13.82
Occasional .....	2.88	2.88

\* \* \* \* \*

(g) \* \* \*  
 (1) To help defray the cost of carrying an observer, 1 percent of the ABC/ACL specified in paragraph (a)(1) of this section shall be set aside to be used by vessels that are assigned to take an at-sea observer on a trip. The total TAC for observer set aside is 379 mt in fishing

year 2016, and 379 mt in fishing year 2017.

\* \* \* \* \*

■ 6. In § 648.58 paragraphs (b), (c), and (e) are revised to read as follows:

**§ 648.58 Rotational Closed Areas.**

\* \* \* \* \*

(b) *Closed Area II*—(1) *Closed Area II Closed Area*. No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area II Closed Area. No vessel may possess scallops in the Closed Area II Closed Area. The Closed Area II Closed Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
CAIIA1 .....	41°00' N.	67°20' W.	
CAIIA2 .....	41°00' N.	66°35.8' W.	
CAIIA3 .....	41°18.45' N.	(1)	(2)
CAIIA4 .....	41°30' N.	(3)	(2)
CAIIA5 .....	41°30' N.	67°20' W.	
CAIIA1 .....	41°00' N.	67°20' W.	

<sup>1</sup> The intersection of 41°18.45' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45' N. lat. and 66°24.89' W. long.

<sup>2</sup> From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada Maritime Boundary.

<sup>3</sup> The intersection of 41°30' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°30' N. lat., 66°34.73' W. long.

(2) *Closed Area II Extension Closed Area*. No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area II Extension Closed Area. No vessel may

possess scallops in the Closed Area II Extension Closed Area. The Closed Area II Extension Closed Area is defined by straight lines, except where noted, connecting the following points in the

order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
CAIIE1 .....	40°30' N.	67°20' W.	
CAIIE2 .....	41°00' N.	67°20' W.	
CAIIE3 .....	41°00' N.	66°35.8' W.	
CAIIE4 .....	41°18.45' N.	(1)	(2)
CAIIE5 .....	40°30' N.	(3)	(2)
CAIIE1 .....	40°30' N.	67°20' W.	

<sup>1</sup> The intersection of 41°18.45' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45' N. lat. and 66°24.89' W. long.

<sup>2</sup> From Point CAIIE4 to Point CAIIE5 following the U.S.-Canada Maritime Boundary.

<sup>3</sup> The intersection of 40°30' N. lat. and the U.S.-Canada Maritime Boundary, approximately 65°44.34' W. long.

(c) *Nantucket Lightship Closed Area*. No vessel may fish for scallops in, or possess or land scallops from, the area known as the Nantucket Lightship Closed Area. No vessel may possess scallops in the Nantucket Lightship Closed Area, unless such vessel is an IFQ LAGC vessel participating in, and complying with the requirements of, the IFQ LAGC area access program described in § 648.60(g)(3), or the vessel is only transiting the area as provided in paragraph (e) of this section. The Nantucket Lightship Closed Area is defined by straight lines connecting the following points in the order stated

(copies of a chart depicting this area are available from the Regional Administrator upon request),

Point	Latitude	Longitude
NLAA1 .....	40°50' N.	69°30' W.
NLAA2 .....	40°50' N.	69°00' W.
NLAA3 .....	40°33' N.	69°00' W.
NLAA4 .....	40°33' N.	68°48' W.
NLAA5 .....	40°20' N.	68°48' W.
NLAA6 .....	40°20' N.	69°30' W.
NLAA1 .....	40°50' N.	69°30' W.

\* \* \* \* \*

(e) *Transiting*. No vessel possessing scallops may enter or be in the area(s)

specified in paragraphs (a) and (c) of this section unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Closed Area or the Closed Area II Extension Closed Area, as described in paragraph (b) of this section, or the Elephant Trunk Closed Area, as described in paragraph (d) of this section, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and

not available for immediate use as defined in § 648.2.

\* \* \* \* \*

7. In § 648.59, paragraphs (a)(1), (b)(1), (c)(1), and (d)(1) are revised and paragraph (a)(2)(i) is removed and reserved to read as follows:

**§ 648.59 Sea Scallop Access Areas.**

(a) \* \* \*

(1) Beginning March 1, 2016, through February 28, 2018 (*i.e.*, fishing years 2016 and 2017), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Mid-Atlantic Access Area unless the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60 or the vessel is transiting pursuant to paragraph (f) of this section. The Mid-Atlantic Access Area is comprised of the following scallop access areas: The Delmarva Scallop Access Area, as described in paragraph (a)(2) of this section; the Elephant Trunk Scallop Access Area, as described in paragraph (a)(3) of this section; and the Hudson Canyon Scallop Access Area, as described in paragraph (a)(4) of this section.

(2) \* \* \*

(i) [Reserved]

\* \* \* \* \*

(b) \* \* \*

(1) From March 1, 2016, through February 28, 2018 (*i.e.*, fishing years 2016 and 2017), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area I Scallop Access Area, described in paragraph (b)(3) of this section, unless transiting in accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (b)(5)(ii)(C) of this section.

\* \* \* \* \*

(c) \* \* \*

(1) From March 1, 2016, through February 28, 2018 (*i.e.*, fishing years 2016 and 2017), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area II Access Area, described in paragraph (c)(3) of this section, unless transiting in

accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (c)(5)(ii)(C) of this section.

\* \* \* \* \*

(d) \* \* \*

(1) From March 1, 2016, through February 28, 2018 (*i.e.*, fishing years 2016 and 2017), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Nantucket Lightship Access Area, described in paragraph (d)(3) of this section, unless the vessel is an IFQ LAGC vessel participating in, and complying with the requirements of, the IFQ LAGC area access program described in § 648.60(g)(3), or the vessel is transiting pursuant to paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (d)(5)(ii)(C) of this section.

\* \* \* \* \*

8. In § 648.60, paragraphs (a)(3)(i), (a)(5)(i), (c), (e), (g) introductory text and (g)(3) are revised to read as follows:

**§ 648.60 Sea scallop access area program requirements.**

(a) \* \* \*

(3) *Sea Scallop Access Area*

*Allocations—(i) Limited access vessel allocations.* (A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (D) of this section specify the total amount of scallops, in weight, that a limited access scallop vessel may harvest from Sea Scallop Access Areas during applicable seasons specified in § 648.59. A vessel may not possess or land in excess of its scallop allocation assigned to specific Sea Scallop Access Areas, unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, unless the vessel owner has exchanged an area-specific scallop allocation with another vessel owner for additional scallop allocation in that area, as specified in paragraph (a)(3)(ii) of this section. A vessel may harvest its scallop allocation, as specified in paragraph (a)(3)(i)(B) of this section, on any number of trips in a given fishing

year, provided that no single trip exceeds the possession limits specified in paragraph (a)(5) of this section, unless authorized by the Regional Administrator, as specified in paragraphs (c) and (d) of this section,

(B) *Full-time scallop vessels.* (1) In fishing year 2016, each full-time vessel shall have a total of 51,000 lb (23,133 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2017 fishing year, each full-time vessel shall have a total of 17,000 lb (7,711 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2017.

(C) *Part-time scallop vessels.* (1) For the 2016 fishing year, each part-time scallop vessel shall have a total of 20,400 lb (9,253 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2016 fishing year, each part-time scallop vessel shall have a total of 10,200 lb (4,627 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2017.

(D) *Occasional scallop vessels.* (1) For the 2016 fishing year, each occasional scallop vessel shall have a total of 4,250 lb (1,928 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2017 fishing year, each occasional scallop vessel shall have a total of 1,420 lb (644 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2017.

\* \* \* \* \*

(5) *Possession and landing limits—(i) Scallop possession limits.* Unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, after declaring a trip into a Sea Scallop Access Area, a vessel owner or operator of a limited access scallop vessel may fish for, possess, and land, per trip, scallops, up to the maximum amounts specified in the table in this paragraph (a)(5). No vessel declared into the Access Areas as described in § 648.59(a) through (e) may possess more than 50 bu (17.62 hL) of in-shell scallops outside of the Access Areas described in § 648.59(a) through (e).

Fishing year	Permit category possession limit		
	Full-time	Part-time	Occasional
2016 .....	17,000 lb (57,711 kg) .....	10,200 lb (4,627 kg) .....	1,420 lb (644 kg).
2017 .....	17,000 lb (57,711 kg) .....	10,200 lb (4,627 kg) .....	1,420 lb (644 kg).

\* \* \* \* \*

(c) *Access area scallop allocation carryover.* Unless otherwise specified in § 648.59, a limited access scallop vessel operator may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days of the subsequent fishing year if the Access Area is open. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Mid-Atlantic Access Area at the end of fishing year 2016, that vessel may harvest 7,000 lb (3,175 kg) from its 2017 fishing year scallop access area allocation during the first 60 days that the Mid-Atlantic Access Area is open in fishing year 2017 (March 1, 2017, through April 29, 2018). Unless otherwise specified in § 648.59, if an Access Area is not open in the subsequent fishing year, then the unharvested scallop allocation would expire at the end of the fishing year that the scallops were allocated.

\* \* \* \* \*

(e) *Sea Scallop Research Set-Aside Harvest in Access Areas—*(1) *Access Areas available for harvest of research set-aside (RSA).* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2016 and 2017 are:

- (i) 2016: The Mid-Atlantic Scallop Access Area, as specified in § 648.59(a).
- (ii) 2017: None.
- (2) [Reserved]

\* \* \* \* \*

(g) *Limited Access General Category Gear restrictions.* An LAGC IFQ scallop vessel authorized to fish in the Access Areas specified in § 648.59(b) through (e) must fish with dredge gear only. The

combined dredge width in use by, or in possession on board of, an LAGC scallop vessel fishing in Closed Area I, Closed Area II, and Nantucket Lightship Access Areas may not exceed 10.5 ft (3.2 m). The combined dredge width in use by, or in possession on board of, an LAGC scallop vessel fishing in the remaining Access Areas described in § 648.59 may not exceed 31 ft (9.4 m). Dredge width is measured at the widest point in the bail of the dredge.

\* \* \* \* \*

(3) *LAGC IFQ Access Area Trips.* (i) An LAGC scallop vessel authorized to fish in the Access Areas specified in § 648.59(a) through (e) or in (g)(3)(iv) of this section may land scallops, subject to the possession limit specified in § 648.52(a), unless the Regional Administrator has issued a notice that the number of LAGC IFQ access area trips have been or are projected to be taken. The total number of LAGC IFQ trips in a specified Access Area for fishing year 2016 and 2017 are:

Access area	2016	2017
Mid-Atlantic Access Area .....	2,068	602
Closed Area 1 .....	0	0
Closed Area 2 .....	0	0
Nantucket Lightship .....	0	0
Nantucket Lightship North .....	485	0

(ii) Scallops landed by each LAGC IFQ vessel on an access area trip shall count against the vessel's IFQ.

(iii) Upon a determination from the Regional Administrator that the total number of LAGC IFQ trips in a specified Access Area have been or are projected to be taken, the Regional Administrator shall publish notification of this determination in the **Federal Register**, in accordance with the Administrative Procedure Act. Once this determination has been made, an LAGC IFQ scallop vessel may not fish for, possess, or land scallops in or from the specified Access Area after the effective date of the notification published in the **Federal Register**.

(iv) *Nantucket Lightship North Sea Scallop Access Area.* (A) From March 1, 2016, through February 28, 2018 (*i.e.*, fishing years 2016 and 2017), a vessel issued an LAGC IFQ scallop permit may not fish for, possess, or land scallops in or from the area known as the Nantucket Lightship North Access Area, described in paragraph (g)(3)(iv)(B) of this section, unless the vessel is participating in, and complying with the requirements of, the area access program described in this section or the vessel is transiting pursuant to § 648.59 (f). A vessel issued

both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (d)(5)(ii)(C) of this section.

(B) The Nantucket Lightship North Sea Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
NLNA1 .....	40°50' N.	69°00' W.
NLNA2 .....	40°30' N.	69°00' W.
NLNA3 .....	40°30' N.	69°30' W.
NLNA4 .....	40°50' N.	69°30' W.
NLNA1 .....	40°50' N.	69°00' W.

\* \* \* \* \*

[FR Doc. 2016-03624 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**RIN 0648-BF04**

**Fisheries of the Northeastern United States; Amendment 17 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of proposed fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Mid-Atlantic Fishery Management Council has submitted Amendment 17 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan for review and approval by the Secretary of Commerce. We are requesting comments from the public on the amendment. Amendment 17 would establish cost recovery provisions for these individual transferable quota clam fisheries, modify how biological reference points

are incorporated into the Fishery Management Plan, and remove the Plan's optimum yield range.

**DATES:** Comments must be received on or before April 25, 2016.

**ADDRESSES:** You may submit comments, identified by NOAA–NMFS–2015–0057, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA–NMFS–2015–0057](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0057), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: “Comments on Surfclam/Ocean Quahog Amendment 17.”

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are part of the public record and will generally be posted to [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel,

WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 17, and of the draft Environmental Assessment and preliminary Regulatory Impact Review (EA/RIR), are available from the Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The EA/RIR is also accessible via the Internet at: [www.greateratlantic.fisheries.noaa.gov](http://www.greateratlantic.fisheries.noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, 978–281–9341.

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments on Amendment 17 and its incorporated documents through the end of the comment period stated in this notice of availability. We will publish a proposed rule in the **Federal Register** that would implement the amendment's management measures for additional public comment, following NMFS's evaluation of the proposed rule under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act. Public comments must be received by the end of the comment period provided in this notice of availability to be considered in the approval/disapproval decision on the amendment. All comments received by April 25, 2016, will be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received by close of business on the last day of the comment period. Comments received after that date will not be considered in the decision to approve or disapprove Amendment 17, including those

postmarked or otherwise transmitted by the last day of the comment period.

The Mid-Atlantic Fishery Management Council developed this amendment to establish a program to recover the costs of managing the surfclam and ocean quahog individual transferable quota (ITQ) fisheries, as required by the Magnuson-Stevens Act, and to make administrative changes to improve the efficiency of the FMP. The Amendment would create a cost recovery program for the surfclam and ocean quahog ITQ fisheries modeled on the Council's existing cost recovery program for the Tilefish Individual Fishing Quota (IFQ) Program. Under the proposed program, any surfclam or ocean quahog ITQ permit holder who has quota share (*i.e.*, receives an initial allocation of cage tags each year) would be responsible for paying a fee at the end of the year based on the number of their cage tags that were ultimately used to land clams that year. Amendment 17 would also modify how the FMP defines when the surfclam and ocean quahog stocks are overfished or experiencing overfishing so the definitions remain current to the best scientific information available. This action would also remove the optimum yield range from the FMP. Additional details of the proposed measures are available in the amendment document.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 19, 2016.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2016–03870 Filed 2–23–16; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register

Vol. 81, No. 36

Wednesday, February 24, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 8:30 a.m. to 12:25 p.m. EDT on Thursday, March 10, 2016 at the National Press Club, 529 14th Street NW., Washington, DC. The meeting will be streamed live on the Internet. The link to the global live stream is on BIFAD's home page: <http://www.usaid.gov/bifad>.

The central theme of this public meeting will be *University and CGIAR engagement in international agricultural research*. Dr. Brady Deaton, BIFAD Chair, will preside over the public business meeting, which will begin promptly at 8:30 a.m. EDT with opening remarks. At this meeting, the Board will address old and new business and hear updates from USAID, the university community, and other experts on the Consultative Group for International Agricultural Research (CIGAR) and partner engagement in feeding the world's population.

Following new business, Chairman Deaton will introduce USAID Higher Education Coordinator Dr. Barbara Schneeman to give remarks. At 9:00 a.m. Dr. Beth Dunford, USAID/Bureau for Food Security Assistant to the Administrator and Deputy Coordinator for Development for Feed the Future, will provide an update to BIFAD and the public on Feed the Future, the U.S. Government's global hunger and food security initiative.

Starting at 9:15 a.m., BIFAD Board Member Cary Fowler will moderate a panel to inform BIFAD and the public on trends and issues around CGIAR engagement. Presenters for this panel

are Dr. Robert Bertram, USAID/Bureau for Food Security; Dr. Juergen Voegelé, The World Bank; Dr. Molly Jahn, CGIAR Board; Dr. Marianne Banziger, International Maize and Wheat Improvement Center (CIMMYT).

Starting at 10:45 a.m., Association for Public and Land-grant University (APLU) President, Dr. Peter McPherson, will moderate a panel on Feed the Future University engagement with the CGIAR. Presenters for this panel are Dr. Michael Clark, University of California, Davis (Feed the Future Innovation Lab for Assets and Markets Access); Dr. Vara Prasad, Kansas State University (Feed the Future Innovation Lab for Sustainable Intensification); Dr. Adegbola Adesogan, University of Florida (Feed the Future Innovation Lab for Livestock Systems); Susan Johnson, University of California, Davis (Borlaug LEAP Program).

At 12:00 p.m., Chairman Deaton will moderate a half-hour public comment period. At 12:25 p.m. EDT Dr. Deaton, will make closing remarks and adjourn the public meeting.

Those wishing to attend the meeting or obtain additional information about BIFAD should contact Susan Owens, Executive Director and Designated Federal Officer for BIFAD in the Bureau for Food Security at USAID. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Room 2.09-067, Washington, DC, 20523-2110 or telephone her at (202) 712-0218.

#### Susan Owens,

*Executive Director and USAID Designated Federal Officer for BIFAD, Bureau for Food Security, U.S. Agency for International Development.*

[FR Doc. 2016-03862 Filed 2-23-16; 8:45 am]

#### BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2016-0006]

#### Codex Alimentarius Commission: Meeting of the Codex Committee on Pesticide Residues

**AGENCY:** Office of the Deputy Under Secretary for Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of the Deputy Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the U.S. Environmental Protection Agency (EPA) are sponsoring a public meeting on March 23, 2016. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions to be discussed at the 48th Session of the Codex Committee on Pesticide Residues (CCPR) of the Codex Alimentarius Commission (Codex), taking place in Chongqing, China, April 25-29, 2016. The Deputy Under Secretary for Food Safety and EPA recognize the importance of providing interested parties the opportunity to obtain background information on the 48th session of the CCPR and to address items on the agenda.

**DATES:** The public meeting is scheduled for Wednesday, March 23, 2016, from 1:30 p.m. to 3:30 p.m.

**ADDRESSES:** The public meeting will take place at the United States Environmental Protection Agency, Room S-7100, One Potomac Yard South; 2777 South Crystal Drive, Arlington, Virginia, 22202.

Documents related to the 48th Session of the CCPR are accessible via the Internet at the following address: <http://www.codexalimentarius.org/meetings-reports/en/>

Captain David Miller, U.S. Delegate to the 48th session of the CCPR, and the EPA and the USDA, invite U.S. interested parties to submit their comments electronically to the following email address: [Miller.Davidj@epa.gov](mailto:Miller.Davidj@epa.gov).

#### Call-In-Number:

If you wish to participate in the public meeting for the 48th session of the CCPR by conference call, please use the call-in-number and participant code listed below:

*Call-in-Number:* 1-888-844-9904.

*Participant Code:* 512-5092.

*For Further Information About the Public Meeting Contact*

*For Further Information about the 48th Session of the CCPR Contact:* Captain David Miller, Chief, Chemistry & Exposure Branch and Acting Chief, Toxicology & Epidemiology Branch,



Health Effects Division, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Tel: (703) 305-5352, Fax: (703) 305-5147; Email: [Miller.Davidj@epa.gov](mailto:Miller.Davidj@epa.gov).

*For Further Information about the Public Meeting Contact:* Marie Maratos, U.S. Codex Office, 1400 Independence Ave. SW., Room 4861, Washington, DC 20250, Tel: (202) 205-7760, Fax: (202) 720-3157, Email: [Marie.Maratos@fsis.usda.gov](mailto:Marie.Maratos@fsis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCPR is responsible for establishing maximum limits for pesticide residues in specific food items or in groups of food; establishing maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health; preparing priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); considering methods of sampling and analysis for the determination of pesticide residues in food and feed; considering other matters in relation to the safety of food and feed containing pesticide residues; and establishing maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides, in specific food items or groups of food.

The Committee is hosted by China.

#### Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 48th Session of the CCPR will be discussed during the public meeting:

- Matters referred to the committee by Codex and other subsidiary bodies
- Matters of interest arising from FAO and WHO
- Matters of interest arising from other international organizations
- Draft Maximum Residue Limits (MRLs) for pesticides
- Proposed Draft MRLs for pesticides
- Proposed draft revisions to the Classification of Food and Feed
- Proposed draft Tables on examples of selection of representative

commodities (for inclusion in the Principles and guidance for the selection of representative commodities for the extrapolation of maximum residue limits for pesticides for commodity groups)

- Proposed draft Guidance on performance criteria for methods of analysis for the determination of pesticide residues
- Establishment of Codex schedules and priority list of pesticides for evaluation by JMPR
- Guidance to Facilitate the Establishment of MRLs for Pesticides for Minor Crops including Appendix on Methodology to assign Crops into Consumption Categories
- Discussion paper on the impact of the relocation of Vigna spp under the Beans (dry) on the Codex Maximum Residue Limit CXLs for Peas (dry)

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat before the Committee Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

#### Public Meeting

At the March 23, 2016, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Captain David Miller, U.S. Delegate for the 48th session of the CCPR (see **ADDRESSES**). Written comments should state that they relate to activities of the 48th session of the CCPR.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and

information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

#### USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

#### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or Email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250-9410.

Fax: (202) 690-7442.

Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC on: February 19, 2016.

**Mary Frances Lowe,**

*U.S. Manager for Codex Alimentarius.*

[FR Doc. 2016-03892 Filed 2-23-16; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Trinity County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Trinity County Resource Advisory Committee (RAC) will meet in Weaverville, California. The committee is authorized under the Secure Rural Schools and Community Self-

Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site:

[www.fs.usda.gov/main/stn/workingtogether/advisorycommittees](http://www.fs.usda.gov/main/stn/workingtogether/advisorycommittees).

**DATES:** The meeting will be held from 3:00 p.m. to 8:30 p.m. on April 4, 2016.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at Trinity County Office of Education, Conference Room, 201 Memorial Drive, Weaverville, California. Memorial Drive is at the west end of Weaverville, just off Highway 299 on the road leading to Weaverville High School.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at USDA Service Center, Shasta-Trinity National Forest Headquarters, 3644 Avtech Parkway, Redding, California. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Tina Lynsky, Designated Federal Officer, by phone at 530-623-2121 or via email at [tlynsky@fs.fed.us](mailto:tlynsky@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Review proposals for Secure Rural Schools Title II funding, and
2. Vote on proposals to recommend to the Shasta-Trinity National Forest Supervisor for approval.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 1, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff

before or after the meeting. Written comments and requests for time for oral comments must be sent to Tina Lynsky, Designated Federal Officer, Post Office Box 1190, Weaverville, California 96093; by email to [tlynsky@fs.fed.us](mailto:tlynsky@fs.fed.us), or via facsimile to 530-623-6010.

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 16, 2016.

**David R. Myers,**

*Shasta-Trinity National Forest Supervisor.*

[FR Doc. 2016-03843 Filed 2-23-16; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of New Fee Sites

**AGENCY:** Helena-Lewis and Clark National Forest, Forest Service, USDA.

**ACTION:** Notice of New Fee Sites.

**SUMMARY:** The Helena-Lewis and Clark National Forest is proposing to charge a \$45 fee for the overnight rental for each of the Granite Butte Historic Fire Lookout and the Miller Creek Cabin. These sites have not been available for recreation use prior to this date. Rentals of other cabins on the Helena-Lewis and Clark National Forest have shown that people appreciate and enjoy the availability of historic rental lookouts and cabins. Funds from the rentals will be used for the continued operation and maintenance of the Granite Butte Lookout and Miller Creek Cabin. This fee is only proposed and will be determined upon further analysis and public comment.

**DATES:** Send any comments about these fee proposals by April 11, 2016 so comments can be compiled, analyzed, and shared with the Western Montana Recreation Resource Advisory Committee. Both Granite Butte Lookout and Miller Cabin are proposed for recreation rental August, 2016.

**ADDRESSES:** William Avey, Forest Supervisor, Helena-Lewis and Clark National Forest, 2880 Skyway Drive, Helena, MT 59602 or Email to [wavey@fs.fed.us](mailto:wavey@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Concerning Granite Butte Lookout: Josh

Lattin, Natural Resource Specialist, Lincoln Ranger District at 406-362-7011 or [joshlattin@fs.fed.us](mailto:joshlattin@fs.fed.us); or concerning the Miller Creek Cabin: Roy Barkley; Recreation Specialist, Townsend/Helena Ranger Districts at 406-495-3914 or [rbarkley@fs.fed.us](mailto:rbarkley@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

This new fee will be reviewed by the Western Montana Recreation Resource Advisory Committee prior to a final decision and implementation.

The Helena-Lewis and Clark National Forest currently has seven other cabin rentals; however, this will be the first lookout available to rent on the Forest. These rentals are often fully booked throughout their rental season. A business analysis of the Granite Butte Lookout and Miller Creek Cabin has shown that people desire having this sort of recreation experience on the Helena-Lewis and Clark National Forest, as well as surrounding Forests. A market analysis indicates that the \$45/ per night fee is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent Granite Butte Lookout or Miller Creek Cabin will need to do so through the National Recreation Reservation Service, at [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The National Recreation Reservation Service charges a \$9 fee for reservations.

Dated: February 18, 2016.

**William Avey,**

*Helena-Lewis and Clark National Forest Supervisor.*

[FR Doc. 2016-03841 Filed 2-23-16; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### North Central Idaho Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The North Central Idaho Resource Advisory Committee (RAC) will meet in Grangeville, Idaho. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve

collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following Web site: <http://www.fs.usda.gov/main/nezperceclearwater/workingtogether/advisorycommittees>.

**DATES:** The meeting will be held on March 30–31, 2016, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the Nez Perce–Clearwater National Forests Grangeville Office, 104 Airport Road, Grangeville, Idaho.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Nez Perce–Clearwater National Forests Grangeville Office. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:**

Laura Smith, Designated Federal Officer, by phone at 208–983–5143 or via email at [lasmith02@fs.fed.us](mailto:lasmith02@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Present project proposals; and
2. Select the projects to recommend for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by March 23, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Laura Smith, Designated Federal Officer, 104 Airport Road, Grangeville, Idaho 83530; by email to [lasmith02@fs.fed.us](mailto:lasmith02@fs.fed.us) or via facsimile to 208–983–4099.

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices,

or other reasonable accommodation. For access to the facility, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 17, 2016.

**Cheryl Probert,**

*Forest Supervisor.*

[FR Doc. 2016–03844 Filed 2–23–16; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of an advisory committee renewal.

**SUMMARY:** The Secretary of Agriculture has renewed the National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule (Committee). In accordance with provisions of the Federal Advisory Committee Act (FACA), the Committee has been renewed to continue providing advice and recommendations on the implementation of the National Forest System Land Management Planning Rule (Planning Rule). The Committee will also deliberate and formulate advice for the Secretary to aid in the implementation of the new Planning Rule. The Committee is necessary and in the public interest.

**DATES:** The charter renewal was effective February 3, 2016. As provided by the FACA law, the charter will expire 24 months from the date of renewal.

**FOR FURTHER INFORMATION CONTACT:** Ann Acheson, U.S. Department of Agriculture, Forest Service, National Forest System, Ecosystem Management Coordination; telephone: 202–205–1275, Email: [aacheson@fs.fed.us](mailto:aacheson@fs.fed.us). Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

#### Background

In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), the Secretary of Agriculture has renewed the National Advisory Committee for Implementation of the

National Forest System Land Management Planning Rule (Committee). The Committee is a discretionary advisory committee.

The purpose of the Committee is to provide advice and recommendations on implementation of the planning rule. The Committee will be solely advisory in nature. Advice or recommendations of the Committee will be given only with respect to the implementation of the planning rule and associated projects. All activities of the Committee will be conducted in an open, transparent, and accessible manner. The Committee will be asked to perform the following duties or other requests made by the Secretary or the Chief:

- Offer recommendations on outreach efforts, public engagement, and stakeholder collaboration;
- Offer recommendations on broad scale and multiparty monitoring and other ways to engage partnerships in land management plan revisions;
- Offer recommendations on communication tools and strategies to help provide greater understanding of the land management planning process; and
- Offer recommendations on potential best management practices and problem solving resulting from early implementation of the 2012 Planning Rule.

#### Advisory Committee Organization

This Committee is currently comprised of 21 members who provide balanced and broad representation within each of the following three categories of interests:

1. Up to seven members who represent one or more of the following:
  - a. Represent the affected public at-large;
  - b. Hold State-elected office (or designee);
  - c. Hold county or local elected office;
  - d. Represent American Indian Tribes; and
  - e. Represent Youth.
2. Up to seven members who represent one or more of the following:
  - a. National, regional, or local environmental organizations;
  - b. Conservation organizations or watershed associations;
  - c. Dispersed recreation interests;
  - d. Archaeological or historical interests; and
  - e. Scientific Community.
3. Up to seven members who represent one or more of the following:
  - a. Timber Industry;
  - b. Grazing or other land use permit holders or other private forest landowners;
  - c. Energy and mineral development;

d. Commercial or recreational hunting and fishing interests; and

e. Developed outdoor recreation, off-highway vehicle users, or commercial recreation interests.

The Committee will serve 2-year terms and will meet three to six times annually, or as often as necessary at the times designated by the Designated Federal Officer (DFO). The appointment of members to the Committee are made by the Secretary of Agriculture. Members of the Committee serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of the Committee, subject to approval by the DFO. Further information about the Committee is posted on the Planning Rule Advisory Committee Web site: <http://www.fs.usda.gov/main/planningrule/committee>.

Equal opportunity practices were followed in accordance with U.S. Department of Agriculture (USDA) policies. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership includes to the extent possible, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Dated: February 17, 2016.

**Gregory L. Parhan,**

*Assistant Secretary for Administration.*

[FR Doc. 2016-03900 Filed 2-23-16; 8:45 am]

BILLING CODE 3411-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Caribou-Targhee National Forest; Ashton/Island Park Ranger Station; Idaho; Buffalo TSI**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** This project proposes to reduce or prolong the overall susceptibility to mountain pine beetle attacks and crown fires in a subset of previously harvested areas within the analysis area. Precommercial thinning is proposed so trees within these stands maintain diameter and height growth as well as increased crown development and to move this project area toward meeting specific goals, and objectives outlined in the Targhee National Forest Revised Forest Management Plan (RFP) and the Properly Functioning Condition Assessment (PFC).

**DATES:** Comments concerning the scope of the analysis must be received by March 25, 2016. The draft environmental impact statement is expected July 2016 and the final environmental impact statement is expected January 2017.

**ADDRESSES:** Send written comments to Mike Alfieri, Island Park Ranger Station, 3726 Highway 20, Island Park, ID 83429. Comments may also be sent via email to [comments-intermtn-caribou-targhee-ashton-islandpark@fs.fed.us](mailto:comments-intermtn-caribou-targhee-ashton-islandpark@fs.fed.us), or via facsimile to 208-558-7812.

**FOR FURTHER INFORMATION CONTACT:**

Mike Alfieri, Forestry Technician 208-558-4210 or [malfieri@fs.fed.us](mailto:malfieri@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need for Action**

The purpose of this project is to reduce or prolong the overall susceptibility to mountain pine beetle attacks and crown fires in a subset of previously harvested areas within the analysis area. The purpose is to also to provide for a variety of resource products now and in the future. All of the areas identified for treatment were harvested using the clearcut method over 20 years ago and are regenerated with hundreds and even thousands of trees per acre, primarily of lodgepole pine. Precommercial thinning is proposed so trees within these stands maintain diameter and height growth as well as increased crown development and to move this project area toward meeting specific goals, and objectives outlined in the Targhee National Forest Revised Forest Management Plan (RFP) and the PFC. These include:

1. Use vegetation management to achieve a broad array of multiple-use and ecosystem management objectives, including forest health, structure, composition, and distribution in larger landscapes. . . . Develop long term vegetation and density management strategies to reduce the risk of a future catastrophic bark beetle epidemic (RFP III-12). For the Buffalo project area this goal has been further refined as leaving approximately 195 trees per acre or a 15 by 15 foot overall tree spacing to prolong the susceptibility to future mountain pine beetle attacks.

2. Lodgepole pine stands in Watershed 10 would provide a variety of forest products now and in the future. More dense stands would provide smaller diameter products such as post

and poles; less dense stands would provide larger diameter trees that could be harvested as sawtimber in the future. Stands that remain susceptible to crown fire or mountain pine beetle would eventually die providing firewood. For the Buffalo project, firewood, post and poles could be a byproduct of the proposed treatments. In the future, the areas thinned with this proposal would provide sawtimber available for future harvest (RFP III 31-33).

3. The likelihood of future landscape-level crown fire will be reduced in order to protect human life and safety, developments, structures, and sensitive resource values (RFP III-6). The roadside fuelbreak along a portion of Fish Creek Road would increase chances that firefighters will be able to safely engage either unwanted wildfires or fires for resource benefit. For the Buffalo project area, the various treatments would reduce spacing between tree canopies to reduce the potential of crown fire; and ground fuels will be minimized to decrease the potential for a surface fire and for a surface fire to reach the crowns.

The desired condition for this project is outlined in the three goals stated above. The need for this project is to bring this landscape closer to meeting these desired conditions.

With reference to susceptibility to mountain pine beetle, thinned lodgepole stands have more open grown conditions which leave tree stand's microclimate less desirable for mountain pine beetle. Wind speeds can increase within thinned stands, disrupting pheromone plumes that let other beetles know there is available food. Efforts to prevent undesirable levels of bark beetle-caused tree mortality must change susceptibility through reductions in tree competition, disruption of pheromone plumes thus negatively affecting host-finding, and reduction in the fecundity, fitness and survivorship of target bark beetle species. Less dense trees have thicker phloem which favors mountain pine beetle production but this strategy also increases resistance of individual trees through increased tree vigor allowing the trees the energy or turgor pressure to expel the beetle. Trees of low vigor related to a higher relative stand density caused by competition for water and nutrients are more susceptible to bark beetle attack. Areas that are not precommercially thinned and have very high densities of lodgepole pine are also less susceptible for mountain pine beetle because of reduced phloem thickness.

Watershed 10 will have a variety of lodgepole pine stands that would

provide for various forest products now and in the future. Stands that have been previously precommercial thinned to leave approximately 360 trees per acre would provide sawtimber when the lodgepole pine matures. If these stands are not harvested before they reach 80 to 100 years old, they may be susceptible to mountain pine beetle attack, die and become available for firewood. The lodgepole pine stands that would not be precommercially thinned could provide post and poles now and into the future. Areas that are proposed for precommercial thinning through this project could provide sawtimber when the lodgepole pine matures. Post, poles and firewood would be a byproduct of the thinning when the project is implemented.

In lodgepole pine-dominated stands, fire can behave in two different extremes. Typically, fire creeps and smolders along the forest floor shaded by the dense tree canopy and hindered by the lack of ground fuels. However, under dry and windy conditions with heavy dead fuel accumulations, fires can spread through those surface fuels and quickly get up into the canopy. These fires are typically high-intensity, stand-replacing fires that do not occur often, but burn many acres and are very difficult to extinguish when they do occur. If left untreated, the current lodgepole pine-dominated stands within this project would over time create the surface fuels necessary to allow fire to get into the canopy and potentially produce crown fire that is so difficult to suppress. The roadside fuels reduction project would enhance a fuel break along a key Forest Service Road, Fish Creek (082) to increase chances that firefighters will be able to safely engage either unwanted wildfires or fires for resource benefit. Roadside fuel breaks located in areas where fire can be safely restored to the landscape would contribute to maintaining fire as a disturbance on this landscape as well as allow safe effective wildfire response with minimal exposure to firefighters. This fuel break is located within the wildland urban interface (WUI) and would remove surface, ladder, and crown fuels.

### Proposed Action

The proposed action would precommercially thin approximately 3900 acres located within the Buffalo River Watershed to achieve the desired conditions stated in the Purpose and Need. Areas identified to be thinned are past harvest units composed primarily of lodgepole pine presently stocked at greater than 500 trees per acre.

### Precommercial Thinning Units

- Trees would be thinned to a 15 by 15 foot spacing with the exception of the Aquatic Influence Zone (AIZ).
- Within 25 feet of any stream or AIZ, Reduce leave tree spacing from 15 by 15 foot spacing to 12 by 12 foot spacing, unless approved by a hydrologist or fish biologist.
- Within riparian areas and Aquatic Influence Zones (AIZ) felled trees would be left where they fall and felled in a way that protects residual vegetation from damage.

Roadside fuel break—Within the 600 feet (300 feet on either side of the road) of the Fish Creek Road (FS 082).

- Thin to a 20 by 20 foot spacing.
- Within 25 feet of any stream or aquatic influence zone (AIZ), reduce leave tree spacing to 12 by 12 feet, unless approved by a hydrologist or fish biologist.
- Masticate remaining slash. Masticated chips would not exceed a depth of three inches.
- Areas designated for tree removal will not impact current road closures.
- Pioneered roads will be rehabilitated once trees have been removed.
- Within AIZs, do not remove (for pile burning or mastication) dead and down material greater than 6 inches or less than 2 inches in diameter.
- Within AIZ, lop and scatter material that is less than 2 inches in diameter (*i.e.* do not remove for pile burning or mastication).
- Where feasible, do not pile burn or masticate within AIZ. If practicable, pull material completely outside of the AIZ to pile burn or masticate. If not feasible, pile material as far from stream channels as practical given the local terrain.
- No heavy equipment operation (*e.g.* masticator, skidder, etc.) shall occur in the AIZ off of existing routes unless approved by a soil scientist or hydrologist.

• Within AIZ, minimize the mechanized treatment of wood residue. All debris associated with treatments shall be left or placed in such a manner as to prevent their entry into streams.

- Do not burn material within the bankfull channel.
- Fell trees in a way that protects residual vegetation from damage. Minimize ground-disturbing activities.
- Avoid heavy equipment use on slopes greater than 40 percent.
- Rutting in skid trails should not exceed six to eight inches in depth (wet condition) over more than ten percent of a designated skid trail system. No yarding operations should take place

when ground conditions are wet enough that there is a risk of such rutting. Avoid operations if soil is saturated.

- No new roads, skid trails, or landings will be constructed within the AIZ until appropriate standards for construction, maintenance, and operations are in place. Use previously disturbed areas for landings. All newly constructed landings, skid trails, and temporary roads shall be obliterated. No temporary stream crossings are necessary.

### Design Criteria Common to All Treatments

- Trees remaining following thinning would have straight stems, well-formed crowns, be free of insect or disease damage, vigorous annual terminal growth, and crown ratio of 40 percent or more.
- To promote species diversity, conifers other than lodgepole pine would remain within the treatment units except in aspen clumps.
- No aspen would be cut.
- No five needle pines would be cut.
- All conifers except five needle pines would be cut within two aspen tree heights of an aspen clump (3 or more aspen trees).
- Cutting of trees would be accomplished by crews using chain saws.
- Trees on the ground would provide opportunities to gather firewood, post and poles anywhere within the treatment units. Those removing products can only drive within 300 feet of either side of an open or gated forest service system road to retrieve their wood.
- Each treatment would be sequenced as follows: Cut trees, remove products removal such as firewood, post or poles would occur for not more than three years, treat slash.
- There would be no new road construction or reconstruction. No decommissioned roads would be opened for the project. Approximately 13.82 miles of restricted (gated roads) would be used to access thinning units. The gated roads would only be used by people associated with the thinning project and the gates would remain locked at all times.
- Following precommercial thinning operations, gated roads (FS Roads 083, 105, 448, 447 and 116) would be opened as necessary to firewood, post and pole removal within the treatment units. Those removing firewood, post and poles can only drive within 300 feet of either side of an open or gated forest service system road to retrieve their wood.

- All open and restricted gated roads within or adjacent to the units shall be kept free of felled trees.

- No thinning activities would occur before July 1 to reduce the effects to nesting migratory birds.

- All contractors and people involved with the proposed project must comply with the applicable food storage special order in effect when the work is performed.

- There is one pond located within the project area. No precommercial thinning will occur within 300 feet of the pond to avoid adverse effects to amphibians.

- Generally strive to maintain fine organic matter over at least 50 percent of the area (RFP, pages III–6 & 7).

- Five to ten tons of woody debris would remain on the ground following treatments.

- Areas of pile burning will be evaluated and monitored to determine if seeding or additional rehabilitation is warranted to minimize weed spread and maintain soil productivity.

- Adjust chipping size and depth to provide a variation of chip depth (maximum depth of three inches including patches of unchipped) and chip size to allow differing decomposition rates and soil moisture retention lengths and to avoid negatively impacting available soil nitrogen.

- Locate public firewood as close to the existing roads as possible (material resulting from thinning).

- Plan for burning of piles to occur when soils are wet from snow or rain to limit impacts on soil organic matter, physical properties and soil organisms.

- Routes pioneered into the project area will need to be evaluated for the most appropriate rehabilitation and closure methods. Options may include: Leaving additional slash over the area, roughing up the segment where the route departs from a system road or mastication perpendicular to the segment.

#### Possible Alternatives

At a minimum, the proposed action and a no action alternative would be analyzed.

#### Responsible Official

The Ashton/Island Park District Ranger is the responsible official and will make the decision.

#### Nature of Decision To Be Made

In the decision, the responsible official will decide whether or not to precommercially thin the identified stands of trees.

#### Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement.

The purpose of this comment period is to provide an opportunity for the public to provide early and meaningful participation on a proposed action prior to a decision being made by the Responsible Official. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however.

Public comment on this analysis is pursuant to the pre-decisional process described at 36 CFR 218, Subparts A and B.

Only those who comment and meet all the requirements contained in 36 CFR 218.25(a)(3) will have standing to object to the project during the 45 day pre-decisional objection period. The objection period will occur following the distribution of the final EIS and draft Record of Decision. Comments submitted in response to this solicitation must meet the definition of "specific written comments" as defined at 36 CFR 218.2, particularly ". . . specific written comments should be within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the responsible official to consider."

Dated: February 18, 2016.

**Elizibeth Davy,**  
District Ranger.

[FR Doc. 2016-03868 Filed 2-23-16; 8:45 am]

**BILLING CODE 3411-15-P**

#### DEPARTMENT OF AGRICULTURE

#### Forest Service

#### National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

**AGENCY:** Forest Service, USDA

**ACTION:** Notice of meetings.

**SUMMARY:** The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule Committee (Committee) will meet in Washington, DC. Attendees may also participate via webinar and conference call. The Committee operates in compliance with the Federal Advisory Committee Act (FACA) (Pub. L. 92-463). Committee information can be found by visiting the Committee's Web site at: <http://www.fs.usda.gov/main/planningrule/committee>.

**DATES:** The meetings will be held in-person and via webinar/conference call on the following dates and times:

- Tuesday, March 8, 2016, from 9:00 a.m. to 5:00 p.m. EST

- Wednesday, March 9, 2016, from 9:00 a.m. to 5:00 p.m. EST

All meetings are subject to cancellation. For updated status of meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held at the USDA Forest Service, Sidney R. Yates Building, 1400 Independence Avenue, Southwest, Washington DC.

For anyone who would like to attend via webinar and/or conference call, please visit the Web site listed above or contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the USDA Forest Service Washington Office—Yates Building. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Helwig, Committee Coordinator, by phone at 202-205-0892, or by email at [jahelwig@fs.fed.us](mailto:jahelwig@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to provide:

1. Continued deliberations on formulating advice for the Secretary,
2. Discussion of Committee work group findings,
3. Hearing public comments, and
4. Administrative tasks.

This meeting is open to the public. The agenda will include time for people to make oral comments of three minutes or less. Individuals wishing to make an

oral comment should submit a request in writing by March 1, 2016, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Jennifer Helwig, USDA Forest Service, Ecosystem Management Coordination, 201 14th Street SW., Mail Stop 1104, Washington, DC 20250-1104; or by email at [jahelwig@fs.fed.us](mailto:jahelwig@fs.fed.us). The agenda and summary of the meeting will be posted on the Committee's Web site within 21 days of the meeting.

**Meeting Accommodations:** If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 17, 2016.

**Brian Ferebee,**

*Associate Deputy Chief, National Forest System.*

[FR Doc. 2016-03813 Filed 2-23-16; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the emergency provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* International Trade Administration (ITA).

*Title:* Interim Procedures for Considering Requests under the Commercial Availability Provision of the United States-Korea Free Trade Agreement.

*OMB Control Number:* 0625-0270.

*Type of Request:* Emergency submission.

In the **Federal Register** of February 5, 2016, Vol. 81, No. 24, Page 6234, the type of Request should read: "Regular Submission."

Also, under "Needs and Uses:" paragraph 3, beginning with "Section 202(o)(3) of the Act . . .", eliminate the last sentence: "OTEX was unable to publish these procedures earlier and is

requesting an emergency review of the information collection and procedures from the Office of Management and Budget (OMB)."

Dated: February 19, 2016.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2016-03918 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-FP-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request; Correction

*Agency:* International Trade Administration (ITA).

*Title:* Interim Procedures for Considering Requests from the Public under the Textile and Apparel Safeguard Provision of the United States-Korea Free Trade Agreement.

*OMB Control Number:* 0625-0269.

*Type of Request:* Regular Submission.

In the **Federal Register** of February 5, 2016, Vol. 81, No. 24, Page 6233-6234, under "Needs and Uses", in paragraph 2 beginning with "The Statement of Administrative Action . . .", eliminate the last sentence: "CITA was unable to publish these procedures earlier and is requesting an emergency review of the information collection and procedures from the Office of Management and Budget (OMB)."

Dated: February 19, 2016.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2016-03917 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-FP-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-10-2016]

#### Foreign-Trade Zone 70—Detroit, Michigan; Application for Reorganization (Expansion of Service Area) Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 70, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or "usage-

driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 18, 2016.

FTZ 70 was approved by the FTZ Board on July 21, 1981 (Board Order 176, 46 FR 38941; July 30, 1981) and reorganized under the ASF on February 6, 2013 (Board Order 1878, FR 10129-10130; February 13, 2013). The zone currently has a service area that includes Macomb, Monroe, Oakland, Washtenaw and Wayne Counties, Michigan.

The applicant is now requesting authority to expand the service area of the zone to include Lenawee and Livingston Counties, Michigan, as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Detroit Customs and Border Protection Port of Entry.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is April 25, 2016. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 9, 2016.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the FTZ Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Elizabeth Whiteman at [Elizabeth.Whiteman@trade.gov](mailto:Elizabeth.Whiteman@trade.gov) or (202) 482-0473.

Dated: February 18, 2016.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2016-03899 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****[Application No. 03–1A008]****Export Trade Certificate of Review**

**ACTION:** Notice of Issuance of an amended Export Trade Certificate of Review to the California Pistachio Export Council (“CPEC”), Application No. (03–1A008).

**SUMMARY:** The Secretary of Commerce, through the Office of Trade and Economic Analysis (“OTEA”), issued an amended Export Trade Certificate of Review to the California Pistachio Export Council on February 3, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Joseph E. Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at [etca@trade.gov](mailto:etca@trade.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325 (2016).

OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary’s determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Amended Certificate**

*CPEC’s Export Trade Certificate of Review has been amended to:*

1. Remove the following company as Member of the Certificate: Gold Coast Pistachios, Inc.

2. Change the name of an existing Member: A&P Growers Cooperative, Inc. is now Horizon Marketing Agency in Common Cooperative Inc.

*CPEC’s complete Membership covered by the amended Export Trade Certificate of Review is listed below:*

- (a) Keenan Farms, Inc.
- (b) Monarch Nut Company
- (c) Nichols Pistachio
- (d) Primex Farms, LLC
- (e) Setton Pistachio of Terra Bella, Inc.
- (f) Horizon Marketing Agency in Common Cooperative Inc.

Dated: February 18, 2016.

**Joseph E. Flynn,**

*Director, Office of Trade and Economic Analysis.*

[FR Doc. 2016–03851 Filed 2–23–16; 8:45 am]

**BILLING CODE 3510–DR–P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Open Meeting of the Information Security and Privacy Advisory Board**

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, March 23, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, Thursday, March 24, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, and Friday, March 25, 2016, from 8:30 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public.

**DATES:** The meeting will be held on Wednesday, March 23, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, Thursday, March 24, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, and Friday, March 25, 2016, from 8:30 a.m. until 12:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will take place at the United States Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:**

Annie Sokol, Information Technology Laboratory, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899–8930, telephone: (301) 975–2006, or by email at: [annie.sokol@nist.gov](mailto:annie.sokol@nist.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, March 23, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, Thursday, March 24, 2016, from 8:30 a.m. until 5:00 p.m. Eastern Time, and Friday, March 25, 2016, from 8:30 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g–4, as amended, and

advises the National Institute of Standards and Technology (NIST), the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal government information systems, including thorough review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB’s activities are available at <http://csrc.nist.gov/groups/SMA/ispab/index.html>.

The agenda is expected to include the following items:

- Presentation from U.S. Department of Homeland Security, National Protection and Programs Directorate,
- Updates on OMB Circular No. A–130 Revised, Management of Federal Information Resources,
- Legislative updates relating to security and privacy,
- Overview on Information Sharing and Analysis Organization (ISAO), information sharing in the communications sector, and the Communications Security, Reliability and Interoperability Council (CSRIC),
- Briefing from the U.S. Department of Commerce, Office of Chief Data Officer,
- U.S. Department of Homeland Security, National Cybersecurity Assessment and Technical Services briefing on penetration testing,
- Discussion on password storage with Federal Chief Information Officers,
- Presentation from American Council for Technology and Industrial Advisory Council (ACT–IAC) on Cybersecurity Ideation Initiative Report,
- FedRAMP Updates on “High” baseline security controls,
- Briefing on security and privacy relating to autonomous vehicles,
- Presentation on the United States Cybersecurity Research and Development Plan, and
- Updates on NIST Computer Security Division.

Note that agenda items may change without notice. The final agenda will be posted on the Web site indicated above. Seating will be available for the public and media. No registration is required to attend this meeting.

**Public Participation:** The ISPAB agenda will include a period of time, not to exceed thirty minutes, for oral comments from the public (Friday, March 25, 2016, between 10:00 a.m. and 10:30 a.m.). Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members



of the public who are interested in speaking are requested to contact Annie Sokol at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899-8930.

**Kevin Kimball,**

*Chief of Staff.*

[FR Doc. 2016-03905 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XE463

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

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

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt commercial fishing vessels from Atlantic sea scallop regulations in support of research conducted by the Coonamessett Farm Foundation. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

**DATES:** Comments must be received on or before March 10, 2016.

**ADDRESSES:** You may submit written comments by any of the following methods:

- *Email:* [nmfs.gar.efp@noaa.gov](mailto:nmfs.gar.efp@noaa.gov). Include in the subject line "DA15-084 CFF Resource Enhancement Study EFP."

- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on DA15-030 CFF Resource Enhancement Study EFP."

- *Fax:* (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:**

Shannah Jaburek, Fisheries Management Specialist, 978-282-8456.

**SUPPLEMENTARY INFORMATION:** NOAA Fisheries awarded the Coonamessett Farm Foundation (CFF) a grant through the 2015 Atlantic sea scallop research set-aside (RSA) program, in support of a project titled, "Habitat Characterization and Sea Scallop Resource Enhancement Study in a Proposed Habitat Research Area-Year Three." CFF has also submitted a proposal for a project of similar design for consideration under the 2016 Atlantic sea scallop RSA program titled "Drivers of Dispersal and Retention in Recently Seeded Sea Scallops." Final project selections for the 2016 scallop RSA program are still to be determined and grant funding is expected sometime in March 2016. CFF submitted a complete application for an EFP for both projects on November 12, 2015. The main objectives for these projects are:

1. Perform a seeding operation and monitor environmental conditions before and after seeding;
2. Test a new cost-effective technique for marking and tracking seed scallops by size class;
3. Monitor transplanted scallops using an autonomous underwater vehicle (AUV) to quantify scallop and predator densities, dispersal rates, and survival; and
4. Investigate the different seedbed characteristics to provide insight into factors behind transplant success or failure.

Each project would transplant scallops from areas of high concentration to areas of lower concentration that were historically known to have high scallop densities, to demonstrate the feasibility of a reseeded program to enhance and stabilize scallop recruitment on Georges Bank. The Exempted Fishing Permit would exempt participating vessels from Atlantic sea scallop days-at-sea allocations at 50 CFR 648.53(b); crew size restrictions at § 648.51(c); Atlantic sea scallop observer program requirements at § 648.11(g); and closed area exemptions for Nantucket

Lightship at § 648.58(c). It would also exempt participating vessels from the access area program requirements at § 648.60(a)(4), which would allow them to transit in and out of the access areas from the open area, as well as from the 50 bushel in-shell scallop possession limit outside of an access area found at § 648.52(f). Finally the Exempted Fishing Permit would exempt vessels from possession limits and minimum fish size requirements specified in 50 CFR part 648, subsections B and D through O, for sampling purposes and to retain any yellowtail flounder showing signs of disease for further shore side analysis.

Three dredging trips would collect and transplant roughly 10,000 to 15,000 scallops. One trip would support the 2015 project and two trips would support the proposed 2016 project. Dredging trips would be conducted utilizing a single vessel starting in March 2016 for the 2015 project, and April through May 2016 for the 2016 project if funded. The juvenile scallops would be harvested from the southeast portion of Nantucket Lightship Access Area (NLAA) to suitable sites in an alternate area of NLAA or a suitable site on Cox's Ledge. The projects define a suitable site as having currents less than 3 knots (~1 m/s) and large areas of coarse substrate preferred by scallops.

The vessel would tow two standard 15-foot (4.57-meter) wide dredges with a 4-inch (10.16-cm) ring bag for up to 10 minutes at 4.5 knots. To harvest all of the scallops, the applicant estimates they would need to complete approximately 25 tows. Once the catch is on deck, the scallops would be sorted by size class, marked with an appropriately colored reflective tape to aid with post-seeding monitoring, and stored in fish totes with a chilled seawater flow through system. All harvesting and tagging would occur during nighttime hours to reduce stress on the scallops. Once the vessel reaches the reseeded site, the vessel would anchor up to allow for a controlled placement, and researchers will lower the scallops to the ocean bottom for a targeted density of two scallops per square meter. A bottom marker would also be released with each scallop placement to locate the original site enabling researchers to note any scallop movement.

One bushel from each tow would be measured for size frequency and 15 individual scallops would be sampled for meat weights to determine shell height/meat weight ratios prior to transplanting. Any finfish caught in the dredge that show signs of abnormalities would have a small biopsy of the area

removed and preserved in a vial with formalin and the carcass would be placed in a ziplock bag and stored on

ice. Researchers would continue gathering information on the prevalence of the disease *Ichthyophonus* seen

locally in yellowtail flounder. Anticipated bycatch for both projects is listed in the table below.

Species	Minimum bycatch		Maximum bycatch	
	(lb)	(kg)	(lb)	(kg)
Scallop .....	12,000	5,443	15,075	6,838
Yellowtail Flounder .....	140	64	450	204
Winter Flounder .....	20	9	225	102
Windowpane Flounder .....	120	54	450	204
Monkfish .....	500	227	1,575	714
Other Fish .....	220	100	450	204
Barndoor Skate .....	20	9	675	306
NE Skate Complex .....	7,740	3,510	12,825	5,817

In addition to trips that will harvest and place seed scallops, there will be five trips dedicated to conducting optical surveys of the research area; two trips to determine seed placement locations, and three trips to monitor the seeding effort. Researchers would conduct each initial optical survey over the course of a day and the post seed optical surveys over seven days. The post seeding surveys would start immediately after scallop placement, and recur at each site once a day. To collect data at each of the sites, researchers would use a GAVIA AUV, and a video sled comprised of a 9.84-foot (3-m) wide beam outfitted with a battery operated camera and strobe system. The only contact with the ocean bottom would be with three 3-inch (7.62-cm) wide runners attached to the bottom of the beam. No exemptions are needed for the optical survey trips.

Regulatory exemptions are needed to allow CFF to collect scallops from a closed access area and reseed them in an open area, and without being charged days-at-sea. Exemptions are also needed to deploy dredge gear in closed access areas and retain yellowtail flounder for scientific purposes. Participating vessels need crew size waivers to accommodate science personnel and possession waivers will enable them to conduct data collection activities. We would waive the observer program notification requirements because the research activity is not representative of standard fishing activity.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 18, 2016.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 2016-03760 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Commerce Spectrum Management Advisory Committee Meeting

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

**DATES:** The meeting will be held on March 18, 2016, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time.

**ADDRESSES:** The meeting will be held at the Wiley Rein Conference Center, 1776 K Street NW., Washington, DC 20006. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230 or emailed to [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Bruce M. Washington, Designated Federal Officer, at (202) 482-6415 or [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov); and/or visit NTIA's Web site at <http://www.ntia.doc.gov/category/csmac>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: license radio frequencies in a way that maximizes public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. See Committee Charter at [http://www.ntia.doc.gov/files/ntia/publications/csmac\\_2015\\_charter\\_renewal\\_2-26-15.pdf](http://www.ntia.doc.gov/files/ntia/publications/csmac_2015_charter_renewal_2-26-15.pdf). This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: <http://www.ntia.doc.gov/category/csmac>.

**Matters To Be Considered:** The Committee provides advice to the Assistant Secretary to assist in developing and maintaining spectrum management policies that enable the United States to maintain or strengthen its global leadership role in the introduction of communications technology, services, and innovation. This helps to expand the economy, adding jobs, and increasing international trade, while at the same time providing for the expansion of existing technologies and supporting the country's homeland security, national defense, and other critical needs of government missions. The Committee will hear reports of the following Subcommittees:

1. Federal Access to Non-Federal Bands (Bi-directional Sharing)
2. Agency and Industry Collaboration
3. Measurement and Sensing in 5 GHz
4. Spectrum Access System (SAS)/ Spectrum Database International Extension
5. 5G

NTIA will post a detailed agenda on its Web site, <http://www.ntia.doc.gov/category/csmac>, prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. See *Open Meeting and Public Participation Policy*, available at <http://www.ntia.doc.gov/category/csmac>.

**Time and Date:** The meeting will be held on March 18, 2016, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time. The times and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's Web site, <http://www.ntia.doc.gov/category/csmac>, for the most up-to-date meeting agenda and access information.

**Place:** The meeting will be held at the Wiley Rein Conference Center, 1776 K Street NW., Washington, DC 20006. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230. The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Washington at (202) 482-6415 or [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov) at least ten (10) business days before the meeting.

**Status:** Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting must send them to NTIA's Washington, DC office at the above-listed address and comments must be received five (5) business days before the scheduled meeting date to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a compact disc (CD) in Word or PDF format. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted electronically to [BWashington@ntia.doc.gov](mailto:BWashington@ntia.doc.gov). Comments provided via electronic mail also may be submitted in one or more of the formats specified above.

**Records:** NTIA maintains records of all Committee proceedings. Committee

records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and any reports are available on NTIA's Committee Web page at <http://www.ntia.doc.gov/category/csmac>.

Dated: February 19, 2016.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2016-03873 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-60-P**

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Community Broadband Summit

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA), through the BroadbandUSA program, in conjunction with Next Century Cities will hold a one-day regional broadband summit, "Digital Northwest," to share information to help communities build their broadband capacity and utilization. The summit will present best practices and lessons learned from broadband network infrastructure build-outs and digital inclusion programs from the State of Washington and surrounding states, including projects funded by NTIA's Broadband Technology Opportunities Program (BTOP) and State Broadband Initiative (SBI) grant programs funded by the American Recovery and Reinvestment Act of 2009.<sup>1</sup> The summit will also explore effective business and partnership models and will include access to regional policymakers, federal funders and industry providers.

**DATES:** The Digital Northwest Broadband Summit will be held on March 21, 2016, from 9:00 a.m. to 5:00 p.m., Pacific Daylight Time.

**ADDRESSES:** The meeting will be held at the Bell Harbor Conference Center, 2211 Alaskan Way, Pier 66, Seattle, WA 98121.

#### FOR FURTHER INFORMATION CONTACT:

Barbara Brown, National Telecommunications and Information Administration, U.S. Department of Commerce, Room 4889, 1401

<sup>1</sup> American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009).

Constitution Avenue NW., Washington, DC 20230; telephone: (202) 280-8260; email: [bbrown@ntia.doc.gov](mailto:bbrown@ntia.doc.gov). Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482-7002; email: [press@ntia.doc.gov](mailto:press@ntia.doc.gov).

**SUPPLEMENTARY INFORMATION:** NTIA's BroadbandUSA program provides expert advice and field-proven tools for assessing broadband adoption, planning new infrastructure and engaging a wide range of partners in broadband projects. BroadbandUSA convenes workshops on a regular basis to bring stakeholders together to discuss ways to improve broadband policies, share best practices, and connect communities to other federal agencies and funding sources for the purpose of expanding broadband infrastructure and adoption throughout America's communities.

The Digital Northwest Broadband Summit features subject matter experts from NTIA's BroadbandUSA program and will include NTIA presentations that discuss lessons learned through the implementation of the BTOP and SBI grants. A panel will explore key elements required for successful broadband projects using a mix of regional examples. Topics will include marketing/demand aggregation, outreach, coordination with government agencies, partnership strategies, construction and oversight. A second panel will explore why broadband matters in comprehensive community planning and will provide real-world examples of how broadband applications help communities improve economic development, workforce development and education opportunities. A third panel will examine business model options, including private networks, public/private partnerships, co-ops and municipal systems. Panelists will provide tips to communities on how to research funding options, make a compelling case to funders and leverage multiple federal and state and non-profit funding streams. Community leaders interested in expanding economic development opportunities or commercial providers interested in expanding their markets, among others, should find the information presented at the summit valuable as they plan their broadband projects.

The summit will be open to the public and press. Pre-registration is required, and space is limited. Portions of the meeting will be webcast. Information on how to pre-register for the meeting and how to access the free, live webcast will be available on NTIA's Web site: <https://www.ntia.doc.gov/other-publication/2016/NWsummit>. NTIA

will ask registrants to provide their first and last names and email addresses for both registration purposes and to receive any updates on the summit. If capacity for the meeting is reached, NTIA will maintain a waiting list and will inform those on the waiting list if space becomes available. Meeting updates, changes in the agenda, if any, and relevant documents will be also available on NTIA's Web site at <https://www.ntia.doc.gov/other-publication/2016/NWsummit>.

The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as language interpretation or other ancillary aids, are asked to notify Barbara Brown at the contact information listed above at least five (5) business days before the meeting.

Dated: February 19, 2016.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2016-03857 Filed 2-23-16; 8:45 am]

**BILLING CODE 3510-60-P**

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## CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2012-0056]

### Agency Information Collection Activities; Submission for OMB Review; Comment Request—Safety Standard for Omnidirectional Citizens Band Base Station Antennas

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act ("PRA") of 1995 (44 U.S.C. chapter 35), the Consumer Product Safety Commission ("Commission" or "CPSC") announces that the Commission has submitted to the Office of Management and Budget ("OMB") a request for extension of approval of a collection of information associated with the Commission's Safety Standard for Omnidirectional Citizens Band Base Station Antennas (16 CFR part 1204), approved previously under OMB Control No. 3041-0006. In the **Federal Register** of November 25, 2015 (80 FR 73736), the CPSC published a notice to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for

extension of approval of that collection of information, without change.

**DATES:** Written comments on this request for extension of approval of information collection requirements should be submitted by March 25, 2016.

**ADDRESSES:** Submit comments about this request by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or fax: 202-395-6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at <http://www.regulations.gov>, under Docket No. CPSC-2012-0056.

**FOR FURTHER INFORMATION CONTACT:** For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7815, or by email to: [rsquibb@cpsc.gov](mailto:rsquibb@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** CPSC has submitted the following currently approved collection of information to OMB for extension:

*Title:* Safety Standard for Omnidirectional Citizens Band Base Station Antennas.

*OMB Number:* 3041-0006.

*Type of Review:* Renewal of collection.

*Frequency of Response:* On occasion.

*Affected Public:* Manufacturers, importers, and private labelers of omnidirectional citizens band base station antennas.

*Estimated Number of Respondents:* We have identified five firms that supply omnidirectional citizen band base station antennas.

*Estimated Time per Response:* Based on the information compiled by manufacturers, importers, and private labelers of antennas to test and maintain records for certificates of compliance, we estimate an average of 220 hours per firm for annual testing and recordkeeping.

*Total Estimated Annual Burden:* 1,100 hours (5 firms × 220 hours).

*General Description of Collection:* The Safety Standard for Omnidirectional Citizens Band Base Station Antennas (16 CFR part 1204) establishes performance requirements for omnidirectional citizens band base station antennas to reduce unreasonable risks of death and injury that may result if an antenna contacts overhead power lines while being erected or removed from its site. The regulations implementing the standard (16 CFR part 1204, subpart B) require manufacturers,

importers, and private labelers of antennas subject to the standard to test the antennas for compliance with the standard and to maintain records of that testing.

Dated: February 18, 2016.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2016-03778 Filed 2-23-16; 8:45 am]

**BILLING CODE 6355-01-P**

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## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Information Collection; Submission for OMB Review, Comment Request

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) titled "National Service Criminal History Check Recordkeeping Requirement" for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling CNCS, Aaron Olszewski, at 202-606-6709 or email to [aolszewski@cns.gov](mailto:aolszewski@cns.gov). Individuals who use a telecommunications device for the deaf (TTY-TDD) may call 1-800-833-3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods by March 25, 2016:

- (1) By fax to: (202) 395-6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and
- (2) Electronically by email to: [smar@omb.eop.gov](mailto:smar@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### Comments

A 60-day public comment Notice was published in the **Federal Register** on October 23, 2015. This comment period ended December 22, 2015. No public comments were received from this Notice. Description: CNCS requests renewal of the recordkeeping requirement previously approved.

The requirements will be used in the same manner as the existing application. CNCS also seeks to continue using the current application until the revised application is approved by OMB. The current application is due to expire on February 29, 2016.

*Type of Review:* Renewal of Approved Recordkeeping Requirement.

*Agency:* Corporation for National and Community Service.

*Title:* National Service Criminal History Check Recordkeeping Requirement.

*OMB Number:* 3045–0150.

*Agency Number:* None.

*Affected Public:* CNCS Grantees and Subgrantees.

*Total Respondents:* 112,357.

*Frequency:* Three times per covered position.

*Average Time per Response:* Five minutes.

*Estimated Total Burden Hours:* 28,089 hours.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintenance):* None.

Dated: February 18, 2016.

**Jeremy Joseph,**

*General Counsel.*

[FR Doc. 2016–03812 Filed 2–23–16; 8:45 am]

BILLING CODE 6050–28–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD–2016–OS–0013]

### Privacy Act of 1974; System of Records

**AGENCY:** Defense Threat Reduction Agency, DoD.

**ACTION:** Notice to add a new System of Records.

**SUMMARY:** The Defense Threat Reduction Agency proposes to add a new system of records, HDTRA 028, entitled “AtHoc Emergency Mass-Notification System” will be used to notify the workforce quickly with information in times of emergency (snow, fire, hurricane or other unforeseen situations that cause the Fort Belvoir/McNamara Complex to be closed).

**DATES:** Comments will be accepted on or before March 25, 2016. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by docket number 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 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:

LaTonya L. Small, Ed.D, Chief Freedom of Information/Privacy Act Office, 8725 John J. Kingman Road, Fort Belvoir, VA 22060, 703–767–1792.

**SUPPLEMENTARY INFORMATION:** The Defense Threat Reduction Agency’s notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a (r)), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties

Division Web site at <http://dpcl.d.defense.gov/>.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on February 16, 2016, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, “Federal Agency Responsibilities for Maintaining Records About Individuals,” dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: February 19, 2016.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### HDTRA 028

#### SYSTEM NAME:

AtHoc Emergency Mass-Notification System

#### SYSTEM LOCATION:

Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

#### SECONDARY LOCATION:

Albuquerque Operations, Defense Threat Reduction Agency, 1680 Texas Street SE., Kirtland Air Force Base, Albuquerque, NM 87117–5669.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction (DTRA/SCC–WMD) civilian employees, military personnel, and on-site contractors.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual’s first name, last name, work email, work phone number, mobile phone number, short message service (SMS) (texting), telephone typewriter, teletypewriter or text phone/Telecommunications Device for the Deaf (TTY/TTD), personal email, home phone, and pager (one or two-way).

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Directive 5124.02, Under Secretary of Defense for Personnel and Readiness (USD(P&R)); DoD Instruction 3020.42, Defense Continuity Plan Development; DoD Instruction 3020.52, DoD Installation Chemical, Biological, Radiological,

Nuclear, and High-Yield Explosive (CBRNE) Preparedness Standards; and DoD Instruction 6055.17, DoD Installation Emergency Management (IEM) Program.

**PURPOSE(S):**

To notify the workforce quickly with information in times of emergency (snow, fire, hurricane or other unforeseen situations that cause the Fort Belvoir/McNamara Complex to be closed).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx>.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Electronic storage media.

**RETRIEVABILITY:**

First and last name of employee or individual.

**SAFEGUARDS:**

Records are maintained in a controlled facility. Records are accessible only to authorized persons with a need-to-know who are properly screened, cleared, and trained. The system will maintain a role based access, Government Common Access Card (CAC) and associated Personal Identification Number (PIN) in addition to user identification and password for system access.

**RETENTION AND DISPOSAL:**

Disposition pending until the National Archives and Records Administration approve retention and disposal schedule, records will be treated as permanent.

**SYSTEM MANAGER(S) AND ADDRESS:**

Operations Integration Branch Chief, Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the DTRA/SCC-WMD, Chief, Freedom of Information/Privacy Act Office, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

For verification purposes, individual should provide their full name, dates and locations they were employed or assigned to DTRA/SCC-WMD, and any details which may assist in locating records. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the DTRA/SCC-WMD, Chief, Freedom of Information/Privacy Act Office, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

For verification purposes, individual should provide their full name, dates and locations they were employed or assigned to DTRA/SCC-WMD, and any details which may assist in locating records. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

**CONTESTING RECORD PROCEDURES:**

The Defense Threat Reduction Agency/USSTRATCOM Center for Combating Weapons of Mass Destruction rules for accessing records,

for contesting contents, and appealing initial agency determinations are published in 32 CFR part 318.10 or may be obtained from the Chief, Freedom of Information/Privacy Act Office.

**RECORD SOURCE CATEGORIES:**

From the individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2016-03871 Filed 2-23-16; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF ENERGY**

**Environmental Management Site-Specific Advisory Board, Paducah**

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, March 17, 2016, 6:00 p.m.

**ADDRESSES:** Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (270) 441-6825.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities.

**Tentative Agenda**

- Call to Order, Introductions, Review of Agenda
  - Administrative Issues
  - Public Comments (15 minutes)
  - Adjourn
- Breaks Taken As Appropriate

*Public Participation:* The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be

filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

*Minutes:* Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following Web site: [http://www.pgdpcaab.energy.gov/2016\\_meetings.htm](http://www.pgdpcaab.energy.gov/2016_meetings.htm).

Issued at Washington, DC, on February 18, 2016.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2016-03849 Filed 2-23-16; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### DOE/NSF Nuclear Science Advisory Committee

**AGENCY:** Office of Science, Department of Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Wednesday, March 23, 2016; 8:30 a.m.–4:00 p.m.

**ADDRESSES:** Bethesda North Marriott Hotel & Conference Center, 701 Marinelli Road, Bethesda, Maryland 20852, (301) 822-9200.

**FOR FURTHER INFORMATION CONTACT:** Brenda L. May, U.S. Department of

Energy; SC-26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585-1290; Telephone: (301) 903-0536 or email: [brenda.may@science.doe.gov](mailto:brenda.may@science.doe.gov). The most current information concerning this meeting can be found on the Web site: <http://science.gov/np/nsac/meetings/>.

#### **SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

*Tentative Agenda:* Agenda will include discussions of the following:

#### **Wednesday, March 23, 2016**

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office
- Laser Interferometer Gravitational-Wave Observatory Overview
- Status of the Canadian Long Range Plan for Subatomic Physics
- Update from the NUPECC Chair

**Note:** The NSAC Meeting will be broadcast live on the Internet. You may find out how to access the broadcast by going to the following site, prior to the start of the meeting. A video record of the meeting, including the presentations, will be archived after the meeting ends at the following link: <http://www.tvworldwide.com/events/DOE/160323/>.

*Public Participation:* The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, at (301) 903-0536 or by email [Brenda.May@science.doe.gov](mailto:Brenda.May@science.doe.gov). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

The minutes of the meeting will be available for review on the U.S. Department of Energy's Office of Nuclear Physics Web site at <http://science.gov/np/nsac/meetings/>

Issued in Washington, DC, on February 18, 2016.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2016-03850 Filed 2-23-16; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Biomass Research and Development Technical Advisory Committee

**AGENCY:** Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008 amended by the Agricultural Act of 2014. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

**DATES AND TIMES:** March 8, 2016, 8:30 a.m.–5:30 p.m., March 9, 2016, 8:30 a.m.–12:00 p.m.

**ADDRESSES:** Renaissance Arlington Capital View Hotel, 2800 South Potomac Ave., Arlington, VA 2202.

**FOR FURTHER INFORMATION CONTACT:** Elliott Levine, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; Email: [Elliott.Levine@ee.doe.gov](mailto:Elliott.Levine@ee.doe.gov) and Roy Tiley at (410) 997-7778 ext. 220; Email: [rtiley@bcs-hq.com](mailto:rtiley@bcs-hq.com).

#### **SUPPLEMENTARY INFORMATION:**

*Purpose of Meeting:* To develop advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

*Tentative Agenda:* Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Update the Biomass Research and Development Initiative
- Overview of DOE Bioenergy Technologies Office 2016 Budget, New Areas, and Activities
- Overview of 2016 Budget, New Areas, and Activities for USDA NIFA and ARS
- Presentation on the Biomass related ARPA-E activities

*Public Participation:* In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral

statements regarding any of the items on the agenda, you must contact Elliott Levine at; Email: [Elliott.Levine@ee.doe.gov](mailto:Elliott.Levine@ee.doe.gov) and Roy Tiley at (410) 997-7778 ext. 220; Email: [rtiley@bcs-hq.com](mailto:rtiley@bcs-hq.com) at least 5 business days prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

*Minutes:* The summary of the meeting will be available for public review and copying at <http://biomassboard.gov/committee/meetings.html>.

Issued at Washington, DC, on February 18, 2016.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2016-03848 Filed 2-23-16; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14747-000]

#### Energy Resources USA Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 22, 2015, the Energy Resources USA Inc. filed an application for a preliminary permit under section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed William H. Harsha Lake Dam Hydroelectric Project No. 14747-000, to be located at the existing William H. Harsha Lake Dam on the East Fork of Little Miami River, near the City of Batavia, in Clermont County, Ohio. The William H. Harsha Lake Dam is owned by the United States government and operated by the U.S. Army Corps of Engineers.

The proposed project would consist of: (1) A new 16-foot by 7.5-foot by 9-foot concrete conduit fitted with a 7-foot by 8-foot discharge gate; (2) a new 210-foot-long, 6-foot-diameter steel penstock fitted with a butterfly valve; (3) a new 65-foot by 45-foot reinforced concrete powerhouse containing two 1.4-megawatt (MW) horizontal Francis

turbine-generators having a total combined generating capacity of 2.8 MW; (4) a new 90-foot-long by 60-foot-wide tailrace; (5) a new 45-foot-long by 30-foot-wide substation; (6) a new 1-mile-long, 69-kilovolt transmission line; and (7) appurtenant facilities. The project would have an estimated annual generation of 8.24 gigawatt-hours.

*Applicant Contact:* Mr. Ander Gonzalez, 350 Lincoln Road, 2nd Floor, Miami, FL 33139; telephone (954) 248-8425.

*FERC Contact:* Tyrone A. Williams, (202) 502-6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 Days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-14747-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14747) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016-03827 Filed 2-23-16; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP15-492-000]

#### Dominion Transmission, Inc.; Notice of Schedule for Environmental Review of the Leidy South Project

On May 15, 2015, Dominion Transmission, Inc. (DTI) filed an application in Docket No. CP15-492-000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Leidy South Project (Project), and would provide an incremental 155 MMcf per day of firm transportation service in the Mid-Atlantic region and to meet the need of increasing demand for natural gas at existing and new power generation facilities.

On May 27, 2015, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

#### Schedule for Environmental Review

Issuance of EA March 30, 2016  
90-day Federal Authorization Decision  
Deadline June 28, 2016

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

#### Project Description

DTI proposes the following facilities in Pennsylvania to replace two 1,100 horsepower (hp) compressor units with one 10,915 hp unit at the Finnefrock Compressor Station in Clinton County; install one suction filter/separator at the Centre Compressor Station in Centre County; and install one 13,220 hp unit at the Chambersburg Compressor Station in Franklin County. DTI would also install the following facilities in Virginia, a new cooler and filter separator at the Quantico Compressor Station in Fauquier County; one 8,000 hp unit at the Leesburg Compressor Station and construct a new meter



station at the Panda Stonewall Power Project both in Loudoun County. Finally, DTI would install one 15,900 hp unit at the Myersville Compressor Station in Frederick County, Maryland.

## Background

On July 23, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Leidy South Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from several state and federal agencies and from the Allegheny Defense Project, Wild Virginia, and Chesapeake Climate Action Network. The primary issues raised by the commentors are the purpose and need for the Project; potential impacts on wildlife, surface water, drinking water, and wetland resources; the potential for increased soil compactions and watershed impacts on the Tamarack Swamp Natural Area; noise impacts; climate change; and cumulative impacts.

## Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC Web site ([www.ferc.gov](http://www.ferc.gov)). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (*i.e.*, CP15-492), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.**,

*Deputy Secretary.*

[FR Doc. 2016-03833 Filed 2-23-16; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP16-604-000.

*Applicants:* Wyckoff Gas Storage Company, LLC.

*Description:* Compliance filing NAESB v. 3.0 Compliance to be effective 4/1/2016.

*Filed Date:* 2/11/16.

*Accession Number:* 20160211-5112.

*Comments Due:* 5 p.m. ET 2/23/16.

*Docket Numbers:* RP16-605-000.

*Applicants:* Enable Gas Transmission, LLC.

*Description:* Section 4(d) Rate Filing: Negotiated Rate Filing—February 11, 2016—CEM 1006966 to be effective 2/11/2016.

*Filed Date:* 2/11/16.

*Accession Number:* 20160211-5138.

*Comments Due:* 5 p.m. ET 2/23/16.

*Docket Numbers:* RP16-606-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) Rate Filing: 02/11/16 Negotiated Rates—ConEdison Energy, Inc. (HUB) 2275-89 to be effective 2/11/2016.

*Filed Date:* 2/11/16.

*Accession Number:* 20160211-5148.

*Comments Due:* 5 p.m. ET 2/23/16.

*Docket Numbers:* RP16-607-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) Rate Filing: 02/11/16 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB) 7540-89 to be effective 2/12/2016.

*Filed Date:* 2/11/16.

*Accession Number:* 20160211-5189.

*Comments Due:* 5 p.m. ET 2/23/16.

*Docket Numbers:* RP16-608-000.

*Applicants:* ANR Pipeline Company.  
*Description:* Section 4(d) Rate Filing: J. Aron NC Service Agmt to be effective 4/1/2016.

*Filed Date:* 2/12/16.

*Accession Number:* 20160212-5003.

*Comments Due:* 5 p.m. ET 2/24/16.

*Docket Numbers:* RP16-609-000.

*Applicants:* Gulf South Pipeline Company, LP.

*Description:* Section 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EOG 34687 to Tenaska 45706) to be effective 4/1/2016.

*Filed Date:* 2/12/16.

*Accession Number:* 20160212-5018.

*Comments Due:* 5 p.m. ET 2/24/16.

*Docket Numbers:* RP16-610-000.

*Applicants:* Northern Natural Gas Company.

*Description:* Northern Natural Gas submits report of the penalty and daily delivery variance charge (DDVC) revenues that have been credited to shippers under RP16-610.

*Filed Date:* 2/12/16.

*Accession Number:* 20160212-5136.

*Comments Due:* 5 p.m. ET 2/24/16.

*Docket Numbers:* RP16-611-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) Rate Filing: 02/16/16 Negotiated Rates—Mercuria Energy Gas Trading LLC to be effective 2/13/2016.

*Filed Date:* 2/16/16.

*Accession Number:* 20160216-5224.

*Comments Due:* 5 p.m. ET 2/29/16.

*Docket Numbers:* RP16-612-000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* Section 4(d) Rate Filing: 02/16/16 Negotiated Rates—ConEdison Energy, Inc. (HUB) 2275-89 to be effective 2/14/2016.

*Filed Date:* 2/16/16.

*Accession Number:* 20160216-5229.

*Comments Due:* 5 p.m. ET 2/29/16.

*Docket Numbers:* RP16-613-000.

*Applicants:* Alliance Pipeline L.P.

*Description:* Section 4(d) Rate Filing: Daily Open Season Feb 12-19 2016 to be effective 2/12/2016.

*Filed Date:* 2/16/16.

*Accession Number:* 20160216-5362.

*Comments Due:* 5 p.m. ET 2/29/16.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP16-524-001.

*Applicants:* SG Resources Mississippi, L.L.C.

*Description:* Compliance filing SG Resources Mississippi, L.L.C.—Order No. 587-W Revised Compliance Filing to be effective 4/1/2016.

*Filed Date:* 2/11/16.

*Accession Number:* 20160211-5171.

*Comments Due:* 5 p.m. ET 2/23/16.

Any person desiring to protest in any of the above proceedings must file in

accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 17, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03832 Filed 2-23-16; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. IC16-6-000]

**Commission Information Collection Activities (FERC-725J); Comment Request; Extension**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork

Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-725J (Definition of the Bulk Electric System).

**DATES:** Comments on the collection of information are due April 25, 2016.

**ADDRESSES:** You may submit comments (identified by Docket No. IC16-6-000) by either of the following methods:

- eFiling at Commission's Web site: <http://www.ferc.gov/docs-filing/efiling.asp>
- Mail/Hand Delivery/Courier:

Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

**Instructions:** All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

**Docket:** Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov/docs-filing/docs-filing.asp>.

**FOR FURTHER INFORMATION CONTACT:** Ellen Brown may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), telephone at (202) 502-8663, and fax at (202) 273-0873.

**SUPPLEMENTARY INFORMATION:**

**Title:** FERC-725J, Definition of the Bulk Electric System

**OMB Control No.:** 1902-0259

**Type of Request:** Three-year extension of the FERC-725J information collection requirements with no changes to the current reporting requirements.

**Abstract:** On December 20, 2012, the Commission issued Order No. 773, a Final Rule approving NERC's modifications to the definition of "bulk electric system" and the Rules of Procedure exception process to be effective July 1, 2013. On April 18, 2013, in Order No. 773-A, the Commission largely affirmed its findings in Order No. 773. In Order Nos. 773 and 773-A, the Commission directed NERC to modify the definition of bulk electric system in two respects: (1) Modify the local network exclusion (exclusion E3) to remove the 100 kV minimum operating voltage to allow systems that include one or more looped configurations connected below 100 kV to be eligible for the local network exclusion; and (2) modify the exclusions to ensure that generator interconnection facilities at or above 100 kV connected to bulk electric system generators identified in inclusion I2 are not excluded from the bulk electric system.

**Type of Respondents:** Generator owners, distribution providers, other NERC-registered entities.

**Estimate of Annual Burden:**<sup>1</sup> The Commission estimates the annual public reporting burden for the information collection as:

**FERC-725J (DEFINITION OF THE BULK ELECTRIC SYSTEM)**

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden and cost per response <sup>2</sup> (4)	Total annual burden hours and total annual cost (3)*(4)=(5)	Cost per respondent (\$) (5)÷(1)
Generator Owners and Distribution Providers (Exception Request) .....	20	1	20	94 hrs.; \$5,864	1,880 hrs.; \$117,274	\$5,864
All Registered Entities (Implementation Plans and Compliance) .....	186	1	186	350 hrs.; \$21,833	65,100 hrs.; \$4,060,938	\$21,833
Total .....	.....	.....	206	.....	66,980 hrs.; \$4,178,212	\$27,697

**Comments:** Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the

Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection

of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection;

<sup>1</sup> The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the

information collection burden, reference 5 Code of Federal Regulations 1320.3.

<sup>2</sup> The estimates for cost per response are derived using the following formula: Average Burden Hours per Response \* \$62.38/hour = Average Cost per

Response. The hourly cost figure (wages plus benefits) comes from the Bureau of Labor Statistics ([http://www.bls.gov/oes/current/naics2\\_22.htm](http://www.bls.gov/oes/current/naics2_22.htm)). The figure is for an electric engineer (Occupational Code: 17-2071).

and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03838 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Filing

	Docket No.
Richardson, Alan C. ....	ID-7484-003
Chahley, Kris .....	ID-7783-001

Take notice that on February 18, 2016, Alan C. Richardson and Kris Chahley submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act (FPA)<sup>1</sup> and Part 45.8 (2015) of the Federal Energy Regulatory Commission's (Commission)<sup>2</sup> Rules of Practice and Procedure.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington,

DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern Time on March 10, 2016.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03839 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14749-000]

#### Energy Resources USA Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 22, 2015, the Energy Resources USA Inc. filed an application for a preliminary permit under section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed Caesar Creek Lake Dam Hydroelectric Project No. 14749-000, to be located at the existing Caesar Creek Dam on the Caesar Creek River, near the City of Waynesville, in Warren County, Ohio. The Caesar Creek Lake Dam is owned by the United States government and operated by the U.S. Army Corps of Engineers.

The proposed project would consist of: (1) A new 12-foot by 7.5-foot by 9-foot concrete conduit fitted with a 7-foot by 8-foot discharge gate; (2) a new 90-foot-long, 6-foot-diameter steel penstock fitted with a butterfly valve; (3) a new 65-foot by 45-foot reinforced concrete powerhouse containing two 1.4-megawatt (MW) horizontal Francis turbine-generators having a total combined generating capacity of 2.8 MW; (4) a new 200-foot-long by 60-foot-wide tailrace; (5) a new 45-foot-long by 30-foot-wide substation; (6) a new 2-mile-long, 69-kilovolt transmission line; and (7) appurtenant facilities. The project would have an estimated annual generation of 8.24 gigawatt-hours.

*Applicant Contact:* Mr. Ander Gonzalez, 350 Lincoln Road, 2nd Floor, Miami, FL 33139; telephone (954) 248-8425.

*FERC Contact:* Tyrone A. Williams, (202) 502-6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-14749-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14749) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03828 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14-153-004; ER14-154-004; ER10-3143-016; ER10-2742-007.

*Applicants:* Gibson City Energy Center, LLC, Grand Tower Energy Center, LLC, Lakeswind Power Partners, LLC, Sabine Cogen, LP, Tilton Energy LLC.

*Description:* Amendment to June 26, 2015 Triennial Market-Based Rate Update Filing for the Central Region of the Rockland Sellers.

*Filed Date:* 2/17/16.

<sup>1</sup> 16 U.S.C. 825d(b) (2015).

<sup>2</sup> 18 CFR part 45 (2015).

*Accession Number:* 20160217–5219.  
*Comments Due:* 5 p.m. ET 3/9/16.  
*Docket Numbers:* ER16–938–001.  
*Applicants:* Arizona Public Service Company.

*Description:* Tariff Amendment: Energy Imbalance Market OATT Revisions to be effective 5/1/2016.  
*Filed Date:* 2/17/16.

*Accession Number:* 20160217–5195.  
*Comments Due:* 5 p.m. ET 3/9/16.

*Docket Numbers:* ER16–954–001.  
*Applicants:* ISO New England Inc.  
*Description:* Tariff Amendment: Errata to DARD Pump Parameter Changes to be effective 3/31/2017.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5043.  
*Comments Due:* 5 p.m. ET 3/10/16.

*Docket Numbers:* ER16–959–000.  
*Applicants:* New York Independent System Operator, Inc.

*Description:* Compliance filing: NYISO HTP UDR compliance EL12–98 to be effective 12/31/9998.  
*Filed Date:* 2/17/16.

*Accession Number:* 20160217–5197.  
*Comments Due:* 5 p.m. ET 3/9/16.

*Docket Numbers:* ER16–960–000.  
*Applicants:* Big Sandy Peaker Plant, LLC.

*Description:* Compliance filing: Compliance Filing, Informational Filing, Reactive Tariff Record Doc No ER04–1103 to be effective 2/17/2016.  
*Filed Date:* 2/17/16.

*Accession Number:* 20160217–5201.  
*Comments Due:* 5 p.m. ET 3/9/16.

*Docket Numbers:* ER16–961–000.  
*Applicants:* Wolf Hills Energy, LLC.  
*Description:* Compliance filing: Compliance Filing, Informational Filing, Reactive Tariff Record Doc No ER04–1102 to be effective 2/17/2016.  
*Filed Date:* 2/17/16.

*Accession Number:* 20160217–5202.  
*Comments Due:* 5 p.m. ET 3/9/16.

*Docket Numbers:* ER16–962–000.  
*Applicants:* RE Astoria 2 LLC.

*Description:* Section 205(d) Rate Filing: Certificate of Concurrence for LGIA Co-Tenancy Agreement to be effective 3/27/2016.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5046.  
*Comments Due:* 5 p.m. ET 3/10/16.

*Docket Numbers:* ER16–963–000.  
*Applicants:* RE Astoria 2 LLC.

*Description:* Section 205(d) Rate Filing: Certificate of Concurrence for Shared Facilities Agreement to be effective 3/27/2016.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5047.  
*Comments Due:* 5 p.m. ET 3/10/16.

*Docket Numbers:* ER16–964–000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* Section 205(d) Rate Filing: Original ISA No. 4401, Queue No. AA1–095 to be effective 1/25/2016.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5054.  
*Comments Due:* 5 p.m. ET 3/10/16.

*Docket Numbers:* ER16–965–000.  
*Applicants:* Alabama Power Company.

*Description:* Section 205(d) Rate Filing: Southern Power (Taylor County Solar Facility II–100MW) LGIA Filing to be effective 2/4/2016.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5093.  
*Comments Due:* 5 p.m. ET 3/10/16.

*Docket Numbers:* ER16–966–000.  
*Applicants:* New York Independent System Operator, Inc.

*Description:* Section 205(d) Rate Filing: Tariff revisions public policy transmission planning process to be effective 2/19/2016.  
*Filed Date:* 2/18/16.

*Accession Number:* 20160218–5113.  
*Comments Due:* 5 p.m. ET 3/10/16.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016–03831 Filed 2–23–16; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR16–11–000]

#### Platte River Midstream, LLC; Notice of Petition for Declaratory Order

Take notice that on February 18, 2016, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and

Procedure, 18 CFR 385.207(a)(2) (2015), Platte River Midstream, LLC, filed a petition for a declaratory order seeking an order approving overall tariff and rate structure for a new crude oil gathering pipeline system that will gather crude oil produced from various points in Weld County, Colorado and transport it to a central delivery point near Lucerne, Weld County, Colorado, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern time on March 18, 2016.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016–03825 Filed 2–23–16; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. EL16–39–000]

**Tri-State Generation and Transmission Association, Inc.; Notice of Petition for Declaratory Order**

Take notice that on February 17, 2016, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure of the Federal Energy Regulatory Commission's (Commission), 18 CFR 385.207(2015), Tri-State Generation and Transmission Association, Inc. (Tri-State) filed a petition for declaratory order finding that Tri-State's fixed cost recovery proposal contained in revised Board Policy 101 is consistent with the Public Utility Regulatory Policies Act of 1978 and the Commission's implementing regulations, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the

Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern time on March 18, 2016.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016–03835 Filed 2–23–16; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RM16–6–000]

**Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response**

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice of Inquiry.

**SUMMARY:** In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks comment on the need for reforms to its rules and regulations regarding the provision and compensation of primary frequency response.

**DATES:** Comments are due April 25, 2016.

**ADDRESSES:** You may submit comments, identified by docket number and in accordance with the requirements posted on the Commission's Web site, <http://www.ferc.gov>. Comments may be submitted by any of the following methods:

- Agency Web site: Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format, at <http://www.ferc.gov/docs-filing/efiling.asp>.
- Mail/Hand Delivery: Those unable to file electronically must mail or hand deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Jomo Richardson (Technical Information), Office of Electric Reliability, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6281, [Jomo.Richardson@ferc.gov](mailto:Jomo.Richardson@ferc.gov).

Mark Bennett (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8524, [Mark.Bennett@ferc.gov](mailto:Mark.Bennett@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

1. In this Notice of Inquiry (NOI), the Commission seeks comment on the need for reforms to its rules and regulations regarding the provision and compensation of primary frequency response. In recent years, the nation's electric supply portfolio has transformed to a point where fewer resources may now be providing primary frequency response than when the Commission considered this issue in other relevant proceedings. As discussed below, in light of the changing resource mix and other factors, it is reasonable to expect this trend to continue. Considering the significance of primary frequency response to the reliable operation of the Bulk-Power System,<sup>1</sup> the Commission seeks input on whether and what action is needed to address the provision and compensation of primary frequency response.

2. Specifically, the Commission seeks comment on whether amendments to the *pro forma* Large Generator Interconnection Agreement (LGIA) and Small Generator Interconnection Agreement (SGIA) are warranted to require all new generation resources to have frequency response capabilities as a precondition of interconnection. The Commission also seeks comment on the performance of existing resources and whether primary frequency response requirements for these resources are warranted. Further, the Commission seeks comment on the requirement to provide and compensate for primary frequency response.

<sup>1</sup> Section 215(a)(1) of the Federal Power Act (FPA), 16 U.S.C. 824o(a)(1) (2012) defines "Bulk-Power System" as those "facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof) [and] electric energy from generating facilities needed to maintain transmission system reliability." The term does not include facilities used in the local distribution of electric energy. See also *Mandatory Reliability Standards for the Bulk-Power System*, Order No. 693, FERC Stats. & Regs. ¶ 31,242, at P 76, *order on reh'g*, Order No. 693–A, 120 FERC ¶ 61,053 (2007).

## I. Background

### A. Technical Overview: The Nature and Operation of Frequency Response

3. Reliably operating an Interconnection<sup>2</sup> requires maintaining balance between generation and load so that frequency remains within predetermined boundaries around a scheduled value (60 Hz in the United States). Interconnections occasionally experience system contingencies (e.g., the loss of a large generator) that disrupt the balance between generation and load. These contingencies result in frequency deviations that can potentially cause under frequency load shedding (UFLS), additional generation tripping, or cascading outages.<sup>3</sup> Consequently, some generators within an Interconnection automatically deploy frequency control actions, including inertial response and primary frequency response, during disturbances to arrest and stabilize frequency deviations. The reliability of the Bulk-Power System depends in part on the operating characteristics of generating resources that balancing authorities<sup>4</sup> commit to serve load. However, not all generating resources provide frequency support services, which are essential to maintaining the reliability and stability of the Bulk-Power System.<sup>5</sup>

4. Frequency response is a measure of an Interconnection's ability to arrest and stabilize frequency deviations within pre-determined limits following the sudden loss of generation or load. Frequency response is affected by the collective responses of generation and load resources throughout the entire Interconnection. Inertial response, primary frequency response, and secondary frequency response all contribute to stabilizing the Bulk-Power System by correcting frequency deviations.

<sup>2</sup> An Interconnection is a geographic area in which the operation of Bulk-Power System components is synchronized. In the continental United States, there are three Interconnections, namely the Eastern, Electric Reliability Council of Texas (ERCOT), and Western Interconnections.

<sup>3</sup> UFLS is designed for use in extreme conditions to stabilize the balance between generation and load. Under frequency protection schemes are drastic measures employed if system frequency falls below a specified value. *Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards*, Notice of Proposed Rulemaking, 137 FERC ¶ 61,067 (2011).

<sup>4</sup> The North American Electric Reliability Corporation's (NERC) Glossary of Terms defines a balancing authority as "(t)he responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a balancing authority area, and supports Interconnection frequency in real time."

<sup>5</sup> As discussed below, NERC Reliability Standard BAL-003-1 has requirements related to frequency response, but it is applicable to balancing authorities and not individual generating resources.

5. Inertial response, or system inertia, involves the release or absorption of kinetic energy by the rotating masses of online generation and load within an Interconnection, and is the result of the coupling between the rotating masses of synchronous generation and load and the electric system.<sup>6</sup> An Interconnection's inertial response influences how fast frequency drops after the loss of generation and how fast it rises after a reduction of load. The less system inertia there is, the faster the rate of change of frequency<sup>7</sup> during disturbances. An adequate amount of system inertia is important since following the sudden loss of generation, inertia serves to reduce the rate of change of frequency, allowing time for primary frequency response actions to arrest the frequency deviation and stabilize the power system.

6. Primary frequency response, net of changes in generation real power (MW) output and power consumed by load in response to a frequency deviation, is the first stage of overall frequency control, begins within seconds after the frequency changes, and is critical to the reliable operation of the Bulk-Power System.<sup>8</sup> Primary frequency response is mostly provided by the automatic and autonomous actions (i.e., outside of system operator control) of turbine-governors, while some response is provided by frequency responsive loads due to changes in system frequency. Primary frequency response actions are intended to arrest the frequency deviation until it reaches the minimum frequency, or nadir.<sup>9</sup> An important goal for system planners and operators is for the frequency nadir, during large disturbances, to remain above the first stage of firm UFLS set points within an Interconnection. The time-frame to arrest frequency deviations typically ranges from five to 15 seconds, depending on the Interconnection.

7. Secondary frequency response involves changes to the MW output of

<sup>6</sup> See, e.g., *Use of Frequency Response Metrics to Assess the Planning and Operating Requirements for Reliable Integration of Variable Renewable Generation*, Ernest Orlando Lawrence Berkeley National Laboratory, at 13-14 (December 2010), available at: <http://energy.lbl.gov/ea/certs/pdf/lbnl-4142e.pdf> (LBNL Frequency Response Metrics Report).

<sup>7</sup> Rate of change of frequency is mainly a function of the magnitude of the loss of generation (or load) and system inertia and is measured in Hz/second.

<sup>8</sup> See, e.g., LBNL Frequency Response Metrics Report at 15-16.

<sup>9</sup> The point at which the frequency decline is arrested (following the sudden loss of generation) is called the frequency nadir, and represents the point in which the net primary frequency response (MW) output from all generating units and the decrease in power consumed by the load within an Interconnection matches the net initial MW loss of generation.

resources on automatic generation control (e.g., regulation resources) that respond to dispatch instructions.<sup>10</sup> Secondary frequency response actions usually begin after 30 seconds or more following a contingency, and can take 5 minutes or more to restore system frequency to its scheduled value.

### B. Evolving Generation Resource Mix

8. The nation's generation resource mix is undergoing a transformation that includes the retirement of baseload, synchronous units, with large rotational inertia. The changing resource mix also includes the integration of more distributed generation, demand response, and natural gas resources, and the rapid expansion of variable energy resources (VERs)<sup>11</sup> such as wind and solar.<sup>12</sup> Several factors, such as existing and proposed federal and state environmental regulations, renewable portfolio standards, tax incentives, and low natural gas prices, have driven these developments.

9. During 2015, natural gas-fired generation surpassed coal as the predominant fuel source for electric generation, and is now the leading fuel type for capacity additions.<sup>13</sup> In addition, NERC recently determined that there has been almost 50 GW of baseload (e.g., coal, nuclear, petroleum, and natural gas) retirements since 2011.<sup>14</sup>

10. In addition, between 2014 and 2015, all three U.S. Interconnections have experienced growth in the installed nameplate capacity of wind and solar generation. For example, as illustrated by the figure below, NERC

<sup>10</sup> See e.g., LBNL Frequency Response Metrics Report at 9-11.

<sup>11</sup> For the purposes of this proceeding, the term Variable Energy Resource refers to a device for the production of electricity that is characterized by an energy source that: (1) Is renewable; (2) cannot be stored by the facility owner or operator; and (3) has variability that is beyond the control of the facility owner or operator. This includes, for example, wind, solar thermal and photovoltaic, and hydrokinetic generating facilities. See *Integration of Variable Energy Resources*, Order No. 764, FERC Stats. & Regs. ¶ 31,331 at n. 1 (2012), order on reh'g and clarification, Order No. 764-A, 141 FERC ¶ 61,232 (2012), order on clarification and reh'g, Order No. 764-B, 144 FERC ¶ 61,222 (2013).

<sup>12</sup> The Solar Energy Industries Association (SEIA) recently reported that more than 50 percent of newly installed electric generating capacity in the U.S. came from solar generation in the first quarter of 2015. See SEIA Solar Market Insight Report 2015 Q1 (2015), <http://www.seia.org/research-resources/solar-market-insight-report-2015-q1>.

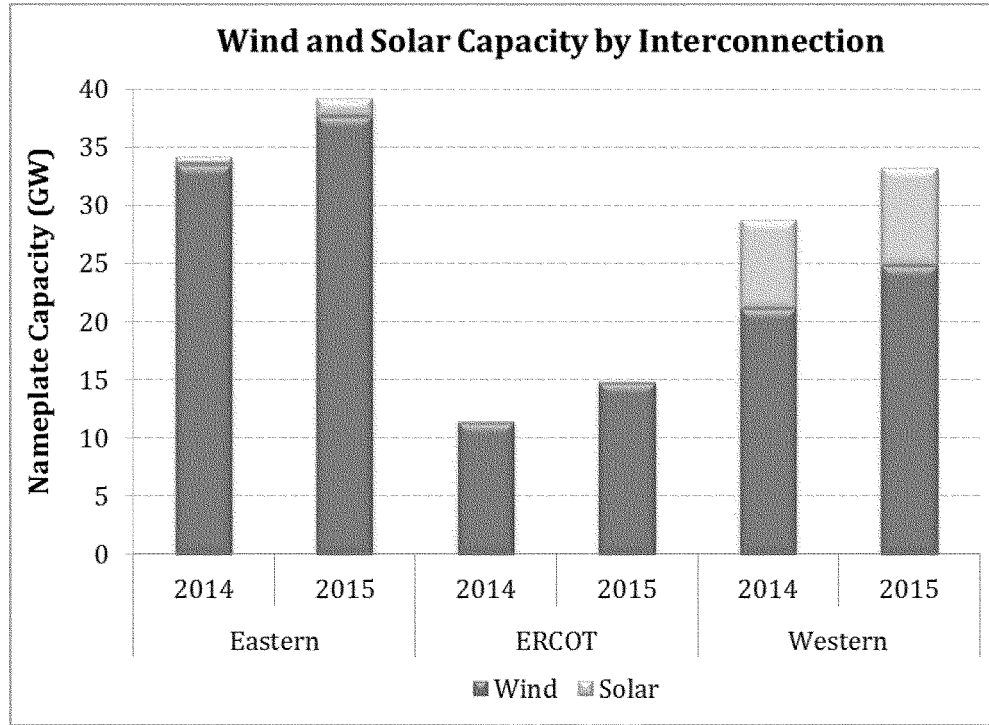
<sup>13</sup> See NERC 2015 Long Term Reliability Assessment at 1 (December 2015), <http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2015LTRA%20-%20Final%20Report.pdf>.

<sup>14</sup> See NERC 2015 Summer Reliability Assessment at 5 (May 2015), [http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2015\\_Summer\\_Reliability\\_Assessment.pdf](http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2015_Summer_Reliability_Assessment.pdf).

has observed that the three Interconnections collectively added approximately 11.1 GW of wind and 1.73 GW of solar generation between 2014 and 2015.<sup>15</sup> More specifically, in 2015: (1) The Eastern Interconnection had 37.6 GW of wind and 1.6 GW of

solar capacity, representing a growth rate of 12 percent and 116 percent over the respective 2014 levels of 33.5 GW and 0.73 GW;<sup>16</sup> (2) ERCOT had 14.7 GW of wind and 0.18 GW of solar, representing a growth rate of 29 percent and 50 percent over the respective 2014

levels of 11.4 GW and 0.12 GW;<sup>17</sup> and (3) Western Interconnection had 24.8 GW of wind and 8.4 GW of solar, representing a growth rate of 17 percent and 11 percent over the respective 2014 levels of 21.1 GW and 7.6 GW.<sup>18</sup>



11. The changing generation resource mix has the potential to reduce the inertial response within some Interconnections, as VERs do not contribute to inertia unless they are specifically designed to do so. For example, solar photovoltaic resources have no rotating mass and thus no rotational inertia. Similarly, while wind turbines have a rotating mass, power converters that interconnect modern wind turbines decouple the rotation of their turbines from the grid. As such, modern wind turbines do not contribute to the system's inertia unless specifically configured to do so.<sup>19</sup> Therefore, increased numbers of VERs, in conjunction with significant retirements of large conventional resources with large rotational inertia, have the potential to reduce system inertia.

12. In addition, VERs do not provide primary frequency response unless specifically configured to do so. Furthermore, since VERs typically have low marginal costs of production, they would likely not be dispatched in a manner necessary to provide primary frequency response, since the provision of primary frequency response involves the reservation of capacity (or "headroom") in order for a resource to automatically increase its MW output in response to drops in system frequency. Therefore, there is a significant risk that, as conventional synchronous resources retire or are displaced by increased numbers of VERs that do not typically have primary frequency response capabilities, the net amount of frequency responsive generation online will be reduced.<sup>20</sup>

13. The combined impacts of lower system inertia and lower frequency

responsive capability online may adversely affect reliability during disturbances because lower system inertia results in more rapid frequency deviations during disturbances. This, in turn, may result in lower frequency nadirs, particularly if the primary frequency capability online is not sufficiently fast. This is a potential reliability concern because, as the frequency nadir lowers, it approaches the Interconnection's UFLS trip setting, which could result in the loss of load and additional generation across the Interconnection.

14. These developments and their potential impacts could challenge system operators in maintaining reliability. The Commission believes that a substantial body of evidence has emerged warranting consideration of possible actions to ensure that resources capable of providing primary frequency

<sup>15</sup> NERC 2015 Summer Reliability Assessment, Table 3 at page 7.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> See, e.g., General Electric WindINERTIA Control Fact Sheet (2009), <http://site.ge-energy.com/>

[prod\\_serv/products/renewable\\_energy/en/downloads/GEA17210.pdf](http://prod_serv/products/renewable_energy/en/downloads/GEA17210.pdf).

<sup>20</sup> Non-synchronous generators such as VERs (e.g., wind and solar resources) produce electricity that is not synchronized to the electric grid (i.e., direct current (DC) power or alternating current (AC) power at a frequency other than 60 hertz).

Inverters convert non-synchronized AC or DC power into synchronized AC power that can be transmitted on the transmission system. These resources do not operate in the same way as conventional generators and respond differently to network disturbances.

response are adequately maintained as the nation's resource mix continues to evolve.

15. In 2014, NERC initiated the *Essential Reliability Services Task Force* (Task Force) to analyze and better understand the impacts of the changing resource mix and develop technical assessments of essential reliability services.<sup>21</sup> The Task Force focused on three essential reliability services: frequency support, ramping capability, and voltage support.<sup>22</sup>

16. The Task Force considered the seven ancillary services<sup>23</sup> adopted by the Commission in Order Nos. 888<sup>24</sup> and 890<sup>25</sup> as a subset of the essential reliability services that may need to be augmented by additional services as the Bulk-Power System characteristics change. However, the Task Force did not intend to recommend new reliability standards or propose actions to alter the existing suite of ancillary services.<sup>26</sup> Instead, its focus was on educating and informing industry and other stakeholders about essential reliability services, developing measures and industry best practices for tracking essential reliability services, and developing recommendations to ensure

<sup>21</sup> Essential reliability services are referred to as elemental reliability building blocks from resources (generation and load) that are necessary to maintain the reliability of the Bulk-Power System. See *Essential Reliability Services Task Force Scope Document at 1* (April 2014), [http://www.nerc.com/comm/Other/essntlrbltysrvctskfrcDL/Scope\\_ERSTF\\_Final.pdf](http://www.nerc.com/comm/Other/essntlrbltysrvctskfrcDL/Scope_ERSTF_Final.pdf).

<sup>22</sup> Essential Reliability Services Task Force Measures Report at 22 (December 2015), <http://www.nerc.com/comm/Other/essntlrbltysrvctskfrcDL/ERSTF%20Framework%20Report%20%20Final.pdf>.

<sup>23</sup> The seven ancillary services are: (1) Scheduling, System Control and Dispatch Service; (2) Reactive Supply and Voltage Control from Generation Sources Service; (3) Regulation and Frequency Response Service; (4) Energy Imbalance Service; (5) Operating Reserve—Spinning Reserve Service; (6) Operating Reserve—Supplemental Reserve Service; and (7) Generator Imbalance Service.

<sup>24</sup> *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>25</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

<sup>26</sup> NERC Essential Reliability Services Task Force Scope Document at 2.

that essential reliability services continue to be provided as the nation's generation resource mix evolves.<sup>27</sup>

17. The reliability of the Bulk-Power System will be increasingly dependent upon the operational characteristics of natural gas and renewable generating units, as these types of resources are expected to comprise an increasing percentage of the future generation resource mix. The Task Force stated that “the reliability of the electric grid depends on the operating characteristics of the replacement resources.”<sup>28</sup> NERC observed that “wind, solar, and other variable energy resources that are an increasingly greater share of the Bulk-Power System provide a significantly lower level of essential reliability services than conventional generation.”<sup>29</sup> The Task Force concluded that it is prudent and necessary to ensure that primary frequency capabilities are present in the future generation resource mix, and recommends that all new generators support the capability to manage frequency.<sup>30</sup>

18. Contributing to the concerns associated with the nature and operational characteristics of the evolving resource mix is the uncertainty whether a resource configured to provide primary frequency response is willing and able to offer such a service when called upon to do so. While almost all existing synchronous resources and some non-synchronous resources have governors or equivalent control equipment capable of providing primary frequency response, generator owners and operators can independently decide whether units provide primary frequency response.<sup>31</sup>

19. For example, at present, it is possible for a generator owner/operator to block or disable the governor or to set a wide dead band setting. A wide dead band setting can result in a unit not providing primary frequency response for most frequency deviations. As discussed more fully below, in February 2015, NERC issued an Industry

<sup>27</sup> *Id.*

<sup>28</sup> Essential Reliability Services Task Force Measures Report at iv.

<sup>29</sup> See NERC State of Reliability 2015 Report at 16 (May 2015), <http://www.nerc.com/pa/RAPA/PA/Performance%20Analysis%20DL/2015%20State%20of%20Reliability.pdf>.

<sup>30</sup> Essential Reliability Services Task Force Measures Report at vi.

<sup>31</sup> A governor is an electronic or mechanical device that implements primary frequency response on a generator via a droop parameter. Droop refers to the variation in MW output due to variations in system frequency. A governor also has a dead band which establishes a minimum frequency deviation (from nominal) that must be exceeded in order for the governor to act. Example droop and dead band settings are 5 percent and  $\pm 0.036$  Hz, respectively.

Advisory which determined that a significant portion of generators within the Eastern Interconnection utilize dead bands or governor control settings that either inhibit or prevent the provision of primary frequency response.<sup>32</sup> In response to this issue and other concerns, NERC's Operating Committee recently approved a Primary Frequency Control Guideline that contains recommended settings for generator governors and other plant control systems, and encourages generators within the three U.S. Interconnections to provide sustained and effective primary frequency response.<sup>33</sup>

20. NERC's State of Reliability Report for 2015 explained that the three U.S. Interconnections currently exhibit stable frequency response performance above their Interconnection Frequency Response Obligations.<sup>34</sup> However, NERC has pointed out a historic decline in frequency response performance in both the Western and Eastern Interconnections.<sup>35</sup> NERC identified several key reasons for the decline, mainly tied to the primary frequency response performance of generators.<sup>36</sup>

### C. Prior Commission and Industry Actions

21. In this proceeding, the Commission seeks comment on the need

<sup>32</sup> NERC Generator Governor Frequency Response Industry Advisory (February 2015), <http://www.nerc.com/pa/rrm/bpsa/Alerts%20DL/2015%20Alerts/NERC%20Alert%20A-2015-02-05-01%20Generator%20Governor%20Frequency%20Response.pdf>.

<sup>33</sup> See NERC Primary Frequency Control Guideline Final Draft (December 2015), [http://www.nerc.com/comm/OC/Reliability%20Guideline%20DL/Primary\\_Frequency\\_Control\\_final.pdf](http://www.nerc.com/comm/OC/Reliability%20Guideline%20DL/Primary_Frequency_Control_final.pdf). See also NERC Operating Committee Meeting Minutes (January 2016), <http://www.nerc.com/comm/OC/Agendas/HighlightsMinutes/Operating%20Committee%20Minutes%20-%20Dec%202015-16%202015-Final.pdf>.

<sup>34</sup> NERC State of Reliability Report 2015 at 9 (May 2015). See <http://www.nerc.com/pa/RAPA/PA/Performance%20Analysis%20DL/2015%20State%20of%20Reliability.pdf>. Reliability Standard BAL-003-1 establishes Interconnection Frequency Response Obligations that are designed to require sufficient frequency response for each Interconnection to arrest frequency declines even for severe, but possible, contingencies.

<sup>35</sup> See NERC Frequency Response Initiative Industry Advisory—Generator Governor Frequency Response at slide 10 (April 2015), [http://www.nerc.com/pa/rrm/Webinars%20DL/Generator\\_Governor\\_Frequency\\_Response\\_Webinar\\_April\\_2015.pdf](http://www.nerc.com/pa/rrm/Webinars%20DL/Generator_Governor_Frequency_Response_Webinar_April_2015.pdf). See also *Review of the Recent Frequency Performance of the Eastern, Western and ERCOT Interconnections*, Ernest Orlando Lawrence Berkeley National Laboratory, at pp xiv–xv (December 2010), <http://energy.lbl.gov/ea/certs/pdf/lbnl-4144e.pdf>.

<sup>36</sup> See NERC Frequency Response Initiative Report: *The Reliability Role of Frequency Response* (October 2012), [http://www.nerc.com/docs/pc/FRI\\_Report\\_10-30-12\\_Master\\_w-appendices.pdf](http://www.nerc.com/docs/pc/FRI_Report_10-30-12_Master_w-appendices.pdf) (Frequency Response Initiative Report).



for reforms to its rules and regulations regarding the provision of primary frequency response. This section offers an overview of Commission and industry action to date related to frequency response to provide the context for the consideration of what, if any, actions the Commission should take to ensure that adequate frequency response is available to maintain grid reliability.

22. In April 1996, the Commission issued Order No. 888, to address undue discrimination in transmission service by requiring all public utilities to provide open access transmission service consistent with the terms of a *pro forma* Open Access Transmission Tariff (OATT).<sup>37</sup> The *pro forma* OATT sets forth the terms of transmission service including, among other things, the provision of ancillary services. Additionally, the Commission adopted six ancillary services stating they are “needed to accomplish transmission service while maintaining reliability within and among control areas affected by the transmission service.”<sup>38</sup> The ancillary service involved in this proceeding is Regulation and Frequency Response Service, found in Schedule 3 of the *pro forma* OATT.

23. In July 2003, the Commission issued Order No. 2003, which revised the *pro forma* OATT to include a *pro forma* LGIA, which applies to interconnection requests of large generators (*i.e.*, generators larger than 20 MW).<sup>39</sup> While the *pro forma* LGIA adopted standard procedures and a standard agreement for the interconnection of large generating facilities, it was “designed around the needs of large synchronous generators.”<sup>40</sup> The Commission also added a blank Appendix G (Requirements of Generators Relying on Newer Technologies) to the LGIA to serve as a means by which to apply interconnection requirements specific for generators relying on newer technologies, such as wind generators.<sup>41</sup>

24. In May 2005, the Commission issued Order No. 2006, which required all public utilities to adopt standard

terms and conditions for new interconnecting small generators (*i.e.*, those no larger than 20 MW) under a *pro forma* SGIA.<sup>42</sup>

25. The Commission recently issued a notice of proposed rulemaking to revise the *pro forma* LGIA and SGIA to eliminate the exemption for wind generators and other non-synchronous generators regarding reactive power requirements.<sup>43</sup> The proposed rule proposes to require all newly interconnecting generators, both synchronous and non-synchronous, to provide reactive power.

26. Although the Commission has previously included technical requirements for generators in the LGIA and Large Generator Interconnection Procedures (LGIP),<sup>44</sup> both the *pro forma* LGIA and SGIA are silent with respect to primary frequency response requirements.

27. In a final rule issued on January 16, 2014, the Commission approved Reliability Standard BAL–003–1, which establishes frequency response requirements for balancing authorities.<sup>45</sup> Reliability Standard BAL–003–1 established Interconnection Frequency Response Obligations that prescribe the minimum frequency response that must be maintained by an Interconnection. The purpose of the Interconnection Frequency Response Obligation is to maintain the minimum frequency (nadir) above UFLS set points following the largest contingency of the Interconnection as defined by the resource contingency criteria in BAL–003–1. Each balancing authority is assigned a Frequency Response Obligation<sup>46</sup> that is a proportionate

share of the Interconnection Frequency Response Obligation, and is based on its annual generation and load.<sup>47</sup>

Requirement R1 of BAL–003–1 requires each balancing authority to achieve an annual Frequency Response Measure that equals or exceeds its Frequency Response Obligation. The Frequency Response Measure is the median value of a balancing authority’s frequency response performance during selected events over the course of a year.<sup>48</sup> Requirement R1 of BAL–003–1 becomes effective on April 1, 2016, and compliance begins on December 1, 2016.

28. Although Reliability Standard BAL–003–1 requires sufficient frequency response from balancing authorities, on average, to maintain Interconnection frequency, it does not require generators to provide primary frequency response. In the rulemaking in which the Commission approved Reliability Standard BAL–003–1, some commenters expressed concern that the standard does not address the availability of generator resources to provide primary frequency response or the premature withdrawal<sup>49</sup> of primary frequency response. In Order No. 794, the Commission directed NERC to submit a report by July 2018 analyzing the availability of resources for each balancing authority and Frequency Response Sharing Group<sup>50</sup> to meet their Frequency Response Obligation.<sup>51</sup> Furthermore, the Commission stated that, if NERC learns that balancing authorities are experiencing difficulty in procuring sufficient resources to satisfy their Frequency Response Obligations,

<sup>42</sup> *Standardization of Small Generator Interconnection Agreements and Procedures*, Order No. 2006, FERC Stats. & Regs. ¶ 31,180, *order on reh’g*, Order No. 2006–A, FERC Stats. & Regs. ¶ 31,196 (2005), *order granting clarification*, Order No. 2006–B, FERC Stats. & Regs. ¶ 31,221 (2006).

<sup>43</sup> *Reactive Power Requirements for Non-Synchronous Generation*, 153 FERC ¶ 61,175 (2015).

<sup>44</sup> For example, in Order Nos. 661 and 661–A, the Commission adopted standard procedures and technical requirements related to low voltage ride thru and power factor design criteria for the interconnection of large wind plants, and required all public utilities that own, control, or operate facilities for transmitting electric energy in interstate commerce to append Appendix G to their LGIPs and LGIAs in their OATTs to include these requirements. *Interconnection for Wind Energy*, Order No. 661, FERC Stats. & Regs. ¶ 31,186, *order on reh’g*, Order No. 661–A, FERC Stats. & Regs. ¶ 31,198 (2005).

<sup>45</sup> *Frequency Response and Frequency Bias Setting Reliability Standard*, Order No. 794, 146 FERC ¶ 61,024 (2014). Reliability Standards proposed by NERC are submitted to the Commission for approval pursuant to section 215(d) of the FPA; 16 U.S.C. 8246(d).

<sup>46</sup> NERC’s Glossary of Terms defines Frequency Response Obligation as “[t]he balancing authority’s share of the required Frequency Response needed for the reliable operation of an Interconnection.”

<sup>47</sup> The Interconnection Frequency Response Obligation and Frequency Response Obligation are expressed in MW per 0.1 Hertz (MW/0.1 Hz).

<sup>48</sup> Attachment A of BAL–003–1. NERC will identify between 20 to 35 events annually in each Interconnection for calculating the Frequency Response Measure. *See also* Procedure for ERO Support of Frequency Response and Frequency Bias Setting Standard, (November 30, 2012), [http://www.nerc.com/pa/Stand/Project%20200712%20Frequency%20Response%20DL/Procedure\\_Clean\\_20121130.pdf](http://www.nerc.com/pa/Stand/Project%20200712%20Frequency%20Response%20DL/Procedure_Clean_20121130.pdf).

<sup>49</sup> NERC has stated that “[w]ithdrawal of primary frequency response is an undesirable characteristic associated most often with digital turbine-generator control systems using setpoint output targets for generator output. These are typically outer-loop control systems that defeat the primary frequency response of the governors after a short time to return the unit to operating at a requested MW output.” *See* Order No. 794, 146 FERC ¶ 61,024 at P 65 (citing NERC’s Frequency Response Initiative Report).

<sup>50</sup> NERC’s Glossary of Terms defines a Frequency Response Sharing Group as a “group whose members consist of two or more Balancing Authorities that collectively maintain, allocate, and supply operating resources required to jointly meet the sum of the Frequency Response Obligations of its members.”

<sup>51</sup> Order No. 794, 146 FERC ¶ 61,024 at P 60.

<sup>37</sup> Order No. 888, FERC Stats. & Regs. ¶ 31,036.

<sup>38</sup> *Id.* at 31,705.

<sup>39</sup> *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. ¶ 31,146, app. 6 (LGIP), app. C (LGIA) (2003), *order on reh’g*, Order No. 2003–A, FERC Stats. & Regs. ¶ 31,160, *order on reh’g*, Order No. 2003–B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh’g*, Order No. 2003–C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff’d sub nom. Nat’l Ass’n of Regulatory Util. Comm’rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1230 (2008).

<sup>40</sup> Order No. 2003–A, FERC Stats. & Regs. ¶ 31,160 at P 407 & n.85.

<sup>41</sup> *Id.*

NERC should immediately report it to the Commission with appropriate recommendations for mitigation.<sup>52</sup>

29. Additionally, in Order No. 794, the Commission stated that the nature and extent of the problems that could result from the premature withdrawal of primary frequency response, and how best to address them, will be better understood after NERC and balancing authorities have more experience with Reliability Standard BAL-003-1.<sup>53</sup> The Commission also stated that the need to take action regarding the premature withdrawal of primary frequency response, including requiring load controllers to include a frequency bias term to sustain frequency response or otherwise modifying Reliability Standard BAL-003-1, should be decided after we have actual experience with the Reliability Standard.<sup>54</sup>

30. In light of the ongoing evolution of the nation's generation resource mix, and other factors, such as NERC's Generator Governor Industry Advisory released in February 2015, the Commission believes that it is prudent to take a proactive approach to better understand the issues related to primary frequency response performance and determine what additional actions beyond Reliability Standard BAL-003-1 may be appropriate. Thus, the Commission is proceeding with a Notice of Inquiry at this time rather than waiting until NERC submits a report in 2018.

31. In the absence of national primary frequency response requirements applicable to individual generating resources, some areas, including ERCOT, ISO New England Inc. (ISO-NE), and PJM Interconnection, L.L.C. (PJM), have implemented regional requirements for individual generating resources within their regions in order to maintain reliability.

32. For example, the Commission accepted Texas Reliability Entity Inc.'s Regional Reliability Standard BAL-001-TRE-01 (Primary Frequency Response in the ERCOT Region) as mandatory and enforceable, which places requirements on generator owners and operators with respect to the provision of primary frequency response within the ERCOT region.<sup>55</sup> In particular, BAL-001-TRE-

01 requires generator owners to operate each generating unit/generating facility that is connected to the interconnected transmission system with the governor in service and responsive to frequency when the generating unit/generating facility is online and released for dispatch, and to promptly notify the balancing authority of any change in governor status.<sup>56</sup> Additionally, BAL-001-TRE-01 requires generator owners to set specified governor dead band and droop parameters.<sup>57</sup> Moreover, BAL-001-TRE-01 requires generator owners to provide minimum initial and sustained primary frequency response performance.<sup>58</sup> NERC recently noted that ERCOT experienced a significant improvement in its frequency response performance as generators within its region adjusted their governor settings for compliance with BAL-001-TRE-01.<sup>59</sup>

33. ISO-NE requires each generator within its region with a capability of ten MW or more, including renewable resources, to operate with a functioning governor with specified dead band and droop settings, and to also ensure that the provision of primary frequency response is not inhibited by the effects of outer-loop controls.<sup>60</sup>

34. PJM has *pro forma* interconnection agreements that obligate interconnection customers within its region to abide by all PJM rules and procedures pertaining to generation and transmission, including rules and procedures set forth in the PJM Manuals.<sup>61</sup> PJM requires large, conventional generators to operate on unrestricted governor control to assist in maintaining Interconnection frequency, and recently established specified governor dead band and droop

requirements for all generating resources (excluding nuclear units) with a gross plant/facility aggregate nameplate rating greater than 75 MVA.<sup>62</sup> In addition, PJM recently added new interconnection requirements for interconnection customers entering its queue after May 2015 and seeking to interconnect non-synchronous generators, including wind generators, to use "enhanced inverters" with the capability to, among other things, provide primary frequency response.<sup>63</sup> PJM stated that the installed capacity of VERs in its region is expected to increase to approximately 15 GW by the 2016-17 delivery year, and that it has an additional 25 GW of VERs in its interconnection queue.<sup>64</sup> PJM expressed a need for VERs to install the capability to automatically reduce or increase their real power output in order to respond to a variety of system conditions, including high or low frequencies. PJM also stated that this capability will provide flexibility in responding to transmission system events using all available resources which, according to PJM, will be increasingly important as VERs displace synchronous generators that have these capabilities.<sup>65</sup>

#### D. Compensation for Primary Frequency Response Service

35. This section offers an overview of Commission and industry action to date related to compensation for primary frequency response. At present, there are few, if any, entities receiving compensation for selling primary frequency response as a stand-alone product, and there are no current rates applicable to sales of primary frequency response alone. However, several options for transactions involving primary frequency response have been developed. Transmission providers may sell primary frequency response service in combination with regulation service under the bundled *pro forma* OATT Schedule 3 product, Regulation and Frequency Response Service.<sup>66</sup>

693, the Commission approved a regional difference for the ERCOT interconnection from Reliability Standard BAL-001-0, allowing ERCOT to be exempt from Requirement R2, and found that ERCOT's approach to frequency response under its own market protocols appeared to be more stringent than Requirement R2. Order No. 693, FERC Stats. & Regs. ¶ 31,242 at PP 313-315.

<sup>56</sup> Reliability Standard BAL-001-TRE-01, at Requirements R7 and R8.

<sup>57</sup> Reliability Standard BAL-001-TRE-01, at Requirement R6.

<sup>58</sup> Reliability Standard BAL-001-TRE-01, at Requirements R9 and R10.

<sup>59</sup> NERC 2014 Frequency Response Annual Analysis Report at 6 (February 2015), [http://www.nerc.com/FilingsOrders/us/NERC%20Filings%20to%20FERC%20DL/Final\\_Info\\_Filing\\_Freq\\_Resp\\_Annual\\_Report\\_03202015.pdf](http://www.nerc.com/FilingsOrders/us/NERC%20Filings%20to%20FERC%20DL/Final_Info_Filing_Freq_Resp_Annual_Report_03202015.pdf). See also Table 3 at 6.

<sup>60</sup> Section I of ISO-NE's Operating Procedure No. 14—Technical Requirements for Generators, Demand Resources, Asset Related Demands and Alternative Technology Regulation Resources, [http://www.iso-ne.com/rules\\_proceeds/operating/isone/op14/op14\\_rto\\_final.pdf](http://www.iso-ne.com/rules_proceeds/operating/isone/op14/op14_rto_final.pdf).

<sup>61</sup> PJM Tariff, Attachment O § 8.0.

<sup>62</sup> PJM Manual 14D.

<sup>63</sup> PJM Interconnection, L.L.C., 151 FERC ¶ 61,097, at n.58 (2015).

<sup>64</sup> PJM Interconnection, L.L.C., Transmittal Letter, Docket No. ER15-1193-000, at 2 (filed Mar. 6, 2015).

<sup>65</sup> *Id.* at 11.

<sup>66</sup> Regulation service is different than primary frequency response because regulation resources respond to automatic generation control signals, which responds to Area Control Error. Regulation is centrally coordinated by the balancing authority. Primary frequency response, in contrast, is autonomous and is not centrally coordinated. Schedule 3 lumps these different services together, despite their differences. The Commission in Order No. 888 found that "while the services provided by Regulation Service and Frequency Response Service

Continued

<sup>52</sup> *Id.* P 63.

<sup>53</sup> *Id.* P 75.

<sup>54</sup> *Id.* P 76.

<sup>55</sup> *North American Electric Reliability Corporation*, 146 FERC ¶ 61,025 (2014). The requirements of BAL-001-TRE-01 help to ensure that generation and load remain balanced—or are quickly restored to balance—in the ERCOT Interconnection so that system frequency is restored to stability and near normal frequency even after a significant event occurs on the system. In Order No.

Schedule 3 in the *pro forma* OATT in Order Nos. 888<sup>67</sup> and 890<sup>68</sup> permits jurisdictional transmission providers to outline their rates for this regulation and frequency response service through a filing under FPA section 205. Schedule 3 charges are cost-based rates paid by transmission customers to the transmission provider. Additionally, Order No. 784 made it possible for third-party sellers to offer Schedule 3 service to the transmission provider at a rate up to the published Schedule 3 rate, or at rates that result from an appropriate competitive solicitation.<sup>69</sup> Such third-party sales could involve any combination of regulation and primary frequency response services, including unbundled primary frequency response service by itself.

36. Finally, in Order No. 819, the Commission revised its regulations to foster competition in the sale of primary frequency response service.<sup>70</sup> In the final rule, the Commission approved the sale of primary frequency response service at market-based rates by entities that qualify for market-based rate authority for sales of energy and capacity to any willing buyer. Order No. 819 focused on how jurisdictional entities can qualify for market-based rates for primary frequency response service in the context of voluntary bilateral sales, and did not place any limits on the types of transactions available to procure primary frequency response service; they may be cost-based or market-based, bundled with other services or unbundled, and inside or outside of organized markets.<sup>71</sup> Order No. 819 did not require any entity to purchase primary frequency response from third parties or develop an organized market for primary frequency response.<sup>72</sup>

are different, they are complementary services that are made available using the same equipment. For this reason, we believe that Frequency Response Service and Regulation Service should not be offered separately, but should be offered as part of one service." Order No. 888, FERC Stats. & Regs. ¶ 31,036, at PP 212–213 (1996).

<sup>67</sup> Order No. 888, FERC Stats. & Regs. ¶ 31,036.

<sup>68</sup> Order No. 890, FERC Stats. & Regs. ¶ 31,241.

<sup>69</sup> *Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies*, Order No. 784, FERC Stats. & Regs. ¶ 31,349, at PP 6–7 (2013), *order on clarification*, Order No. 784–A, 146 FERC ¶ 61,114 (2014).

<sup>70</sup> *Third-Party Provision of Primary Frequency Response Service*, Order No. 819, 153 FERC ¶ 61,220 (2015).

<sup>71</sup> *Id.* P 13.

<sup>72</sup> *Id.* P 37. The Commission denied Calpine Corporation's request for Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) to be given a deadline to develop tariff changes that would enable them to implement primary frequency response compensation mechanisms.

## II. Request for Comments

37. The Commission seeks comment on the need for reforms to its rules and regulations regarding the provision and compensation of primary frequency response. Specifically, the Commission seeks comment on possible actions to ensure that the provision of primary frequency response continues to remain at levels adequate to maintain the reliability of the Bulk-Power System in light of the ongoing transformation of the nation's generation resource mix. The Commission understands that this transformation in the nation's generation portfolio could eventually result in a reduction of system inertia and fewer generation resources with primary frequency response capabilities. In addition, as discussed above, NERC has indicated that a significant number of generators within the Eastern Interconnection utilize dead bands or governor control settings that either inhibit or prevent the provision of primary frequency response. Together, these factors could result in potential downward shifts of the frequency nadir during disturbances, closer to UFLS set points that would trigger significant widespread outages.

38. Presently, there are no *pro forma* agreements for primary frequency response transactions. Voluntary sales of primary frequency response, would most likely involve negotiated, bilateral contracts between buyers and sellers. In this regard, considering their compliance obligations under Reliability Standard BAL–003–1, balancing authorities will be the most likely source of demand for voluntary purchases of primary frequency response service from third-party sellers, including those who have not provided the service in the past. Accordingly, as discussed further below, the Commission seeks comment on whether and to what extent balancing authority demand for voluntary purchases of frequency response would be reduced if all or all newly interconnecting resources were required to provide frequency response service. Further, we also seek comment on the impact this would have on the Commission's efforts under Order No. 819 to foster the development of a bilateral market for market-based rate sales of primary frequency response service as a means of cost-effectively meeting such demand.

39. Within RTO/ISO markets, no current stand-alone primary frequency response product exists. Any RTO/ISO that desires to explicitly procure and compensate primary frequency response would need new tariff provisions

because no RTO/ISO currently defines or procures such a product. As discussed below, the Commission seeks comment on the need for and the nature of frequency response compensation within the context of current RTO/ISO market optimization processes.

40. Accordingly, the Commission seeks comment on the following possible actions, discussed in more detail below: (1) Modifications to the *pro forma* LGIA and SGIA mandating primary frequency response requirements for new resources, among other changes; (2) new primary frequency response requirements for existing resources; and (3) the requirement to provide and compensate for primary frequency response.

### A. Modifications to the *pro forma* LGIA and SGIA

41. Reliability Standard BAL–003–1 and the *pro forma* LGIA and SGIA do not specifically address generators' provision of primary frequency response. Article 9.6.2.1 of the *pro forma* LGIA (Governors and Regulators) requires that if speed governors are installed, they should be operated in automatic mode.<sup>73</sup> Reliability Standard BAL–003–1 and the *pro forma* LGIA and SGIA do not explicitly: (1) Require generators to install the necessary capability to provide primary frequency response; (2) prescribe specific governor settings that would support the provision of primary frequency response;<sup>74</sup> or (3) establish generator performance requirements during disturbances (*e.g.*, require the response to be sustained, and not prematurely withdrawn prior to the initiation of secondary frequency response actions to return system frequency back to its nominal value and back within a generator's dead band setting).<sup>75</sup>

42. The Commission's *pro forma* generator interconnection agreements and procedures were developed at a time when traditional generating resources with standard governor controls and large rotational inertia were the predominant sources of electricity generation. However, circumstances are evolving, with NERC and others predicting significant

<sup>73</sup> Order No. 2003, FERC Stats. & Regs. ¶ 31,146, app. C (LGIA).

<sup>74</sup> Generator governors can be enabled or disabled which determines whether or not primary frequency response is provided at all by the generator. In addition, even if a governor is enabled, its control settings can limit the conditions under which the generator provides primary frequency response.

<sup>75</sup> Primary frequency response would not be expected to be provided if no capacity (or "headroom") is reserved on a unit.

retirements of conventional synchronous resources, all of which contribute to system inertia, and some of which provide primary frequency response. In addition, VERs are projected to comprise an increasing portion of the installed capacity in many regions of the country, but they do not typically provide inertial response or primary frequency response unless specifically configured to do so.

43. Regarding VERs, the Commission understands that in previous years, many non-synchronous resources were not consistently designed with primary frequency response capabilities. However, NERC and others have stated that VER manufacturers have made significant advancements in recent years to develop the necessary controls that would enable VERs to provide frequency response.<sup>76</sup> NERC recommends that the industry analyze how wind and solar photovoltaic resources can contribute to frequency response and to work toward interconnection requirements that ensure system operators will continue to maintain essential reliability services.<sup>77</sup> Also relevant are PJM's recent additions of new interconnection requirements for VERs entering its queue after May 2015.<sup>78</sup> PJM has stated that the necessary capabilities for non-synchronous resources to provide primary frequency response, among other services, are now "baked in" as enhancements to inverter capabilities.<sup>79</sup>

44. In light of the ongoing changes in the nation's resource mix as well as NERC's concerns regarding the primary frequency response performance of existing resources, the Commission seeks comment on whether and how to modify the *pro forma* LGIA and SGIA to require primary frequency response capability and performance of new generating resources.

45. To that end, the Commission seeks comment on the following questions:

1. Should the *pro forma* LGIA and SGIA be revised to include requirements for all newly interconnecting generating resources, including non-synchronous resources, to:

1.1. Install the capability necessary to provide primary frequency response?

1.2. Ensure that prime mover governors (or equivalent frequency control devices) are enabled and set

pursuant to NERC's Primary Frequency Control Guideline (*i.e.*, droop characteristics not to exceed 5 percent, and dead band settings not to exceed  $\pm 0.036$  Hz)?

1.3. Ensure that the MW response provided (when there is available headroom) in response to frequency deviations above or below the governor's dead band from 60 Hz is:

1.3.1. Sustained until system frequency returns to within the governor's dead band setting?

1.3.2. Provided without undue delay and responds in accordance with a specified droop parameter?

2. What are the costs associated with making a newly interconnecting generation resource capable of providing primary frequency response? Specifically, what are the pieces of equipment or software needed to provide primary frequency response, and what are the costs associated with those pieces of equipment or software? Are there significant differences between synchronous and non-synchronous resources in providing primary frequency response, (*e.g.*, the type of equipment necessary)?

3. Regarding question (1) above, are the governor control settings recommended by NERC's Primary Frequency Control Guideline the appropriate settings to include in the *pro forma* LGIA and SGIA? Why or why not?

4. Regarding new resources, including non-synchronous resources, are there physical, technical, or operational limitations/concerns to promptly providing sustained primary frequency response in the direction necessary to counteract under-frequency and over-frequency deviations? How should new requirements account for such limitations?

5. Are metrics or monitoring useful to evaluate whether new resources:

5.1. Operate with governors (or equivalent frequency control devices) enabled?

5.2. Set governor control settings as described in question (1) above?

5.3. Provide sustained MW response (when the unit has available headroom and system frequency deviates outside of the dead band) that is in the direction necessary to correct the frequency deviation and responsive in accordance with a specified droop parameter?

6. How would transmission providers verify that new resources provide adequate primary frequency response performance?

6.1. What information is necessary in order to facilitate performance verification?

6.2. What changes, if any, to existing infrastructure (including, but not limited to telemetry and software tools) would be required in order to verify primary frequency response performance?

6.3. What limitations based on resource type, if any, should be considered when evaluating primary frequency response performance?

7. How would transmission providers ensure compliance with the new rules?

7.1. Are penalties appropriate to ensure that new generating resources adhere to the new requirements described in question (1) above, and if so, how should such penalties be structured and implemented?

7.2. Are penalties appropriate only if a resource receives compensation for adhering to the new requirements described in question (1) above?

#### B. New Primary Frequency Response Requirements for Existing Resources

46. The Commission seeks comment on how it might address the issue of primary frequency response performance in existing generators. As discussed above, the Commission is considering amendments to the *pro forma* LGIA and SGIA that would apply prospectively and only to new generating resources and not the existing generating fleet. However, the Commission notes that NERC has also expressed concerns related to the primary frequency response performance of the existing generating fleet.

47. For example, in 2010, NERC conducted a governor response survey to gain insight into governor settings from several turbine governors across the three U.S. Interconnections.<sup>80</sup> Analysis revealed a wide disparity in the reported governor control settings. For example, NERC found that several generator owners or operators reported dead bands between 0.05 Hz and 0.3 Hz, which are wider than those prescribed by ERCOT'S BAL-001-TRE-01 Regional Standard or recommended by NERC's 2015 Generator Governor Frequency Response Industry Advisory<sup>81</sup> and Primary Frequency Control Guideline.<sup>82</sup>

48. In February 2015, NERC issued an Industry Advisory, which expressed its determination that a significant portion of generators within the Eastern Interconnection utilize governor dead bands or other control settings that

<sup>76</sup> NERC Long Term Reliability Assessment at 27 (November 2014), [http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2014LTRA\\_ERATTA.pdf](http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/2014LTRA_ERATTA.pdf).

<sup>77</sup> *Id.*

<sup>78</sup> *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,097, at n.58 (2015).

<sup>79</sup> *PJM Interconnection, L.L.C.*, Docket No. ER15-1193-000 (March 6, 2015) Transmittal Letter at 11.

<sup>80</sup> Frequency Response Initiative Report at 87.

<sup>81</sup> NERC Generator Governor Frequency Response Industry Advisory.

<sup>82</sup> NERC Primary Frequency Control Guideline Final Draft.

either inhibit or prevent the provision of primary frequency response.<sup>83</sup>

49. Furthermore, some generating units have controls that withdraw primary frequency response prior to the initiation of secondary frequency controls, which is a significant concern in the Eastern Interconnection and a somewhat smaller issue in the Western Interconnection. These controls are known as outer-loop controls to distinguish them from more direct, lower-level control of the generator operations. Primary frequency response withdrawal occurs when outer-loop controls deliberately act to nullify a generator's governor response and return the unit to operate at a pre-disturbance scheduled MW output. This is especially problematic when it occurs prior to the activation of secondary response, and has the potential to degrade the overall response of the Interconnection and result in a frequency that declines below the original nadir. NERC has observed that early withdrawal of primary frequency response continues to occur within the Eastern Interconnection.<sup>84</sup>

50. Furthermore, NERC's Resources Subcommittee has determined that the majority of gas turbines operate in some type of MW Set Point control mode.<sup>85</sup> According to the NERC Resources Subcommittee, the Eastern Interconnection Initiative has uncovered that in order for gas turbines to respond in MW Set Point control mode, an additional frequency algorithm has to be installed.<sup>86</sup> Moreover, NERC's Resources Subcommittee stated that "the net result is that the gas turbine fleet that has been installed in the past 20+ years is not frequency responsive, [which] has to be corrected."<sup>87</sup> NERC has also observed that in many conventional steam plants, dead band settings exceed the maximum  $\pm 0.036$  Hz dead band, and the resulting response is squelched and not sustained.<sup>88</sup>

<sup>83</sup> NERC Generator Governor Frequency Response Industry Advisory.

<sup>84</sup> NERC 2015 Frequency Response Annual Analysis Report at vi (September 2015), [http://www.nerc.com/comm/OC/RS%20Landing%20Page%20DL/Related%20Files/2015\\_FRAA\\_Report\\_Final.pdf](http://www.nerc.com/comm/OC/RS%20Landing%20Page%20DL/Related%20Files/2015_FRAA_Report_Final.pdf).

<sup>85</sup> See News from SERC's NERC Resources Subcommittee Rep—Primary Frequency Response at 1 (May 2015), <https://www.serc1.org/docs/default-source/outreach/communications/resource-documents/serc-transmission-reference/201505---st/primary-frequency-response.pdf?sfvrsn=2>. MW set-point control mode automatically interrupts governor response in order for a generating unit to maintain a pre-disturbance dispatch.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> See NERC Generator Governor Frequency Response Advisory—Webinar Questions and Answers at 1 (April 2015), <http://www.nerc.com/>

51. As noted above, in December 2015, NERC's Operating Committee approved a Primary Frequency Control Guideline that contains recommended settings for generator governors and other plant control systems, and encourages generators within the three U.S. Interconnections to provide sustained and effective primary frequency response during major grid events in order to stabilize and maintain system frequency within allowable limits.<sup>89</sup> However, the Commission notes that NERC's Primary Frequency Control Guideline is not mandatory and enforceable and does not alter any approved Reliability Standards.

52. In light of the above discussion, the Commission seeks to further explore issues regarding the provision of primary frequency response by the existing generation fleet and seeks comment on the following questions:

1. Should the Commission implement primary frequency response requirements for existing resources, as discussed above for new generators? If so, what is an appropriate means of doing so (e.g., changes to transmission provider tariffs or improvements to existing reliability standards)? How would transmission providers ensure that existing resources adhere to new primary frequency response requirements?

2. As noted above, some existing generating units set dead bands wider than those recommended by NERC's Primary Frequency Control Guideline, and some units have control settings set in a manner that results in the premature withdrawal of primary frequency response. Should the Commission prohibit these practices? If so, by what means?

3. What are the costs of retrofitting existing units, including non-synchronous resources, and with specific reference to such factors as equipment types and MW capacity, to be capable of providing sustained primary frequency response?

4. Regarding existing units, are there physical, technical, or operational limitations or concerns to promptly providing sustained primary frequency response in the direction necessary to counteract under-frequency and over-frequency deviations?

[pa/rrm/Webinars%20DL/Generator\\_Governor\\_Frequency\\_Response\\_Webinar\\_Qanda\\_April\\_2015.pdf](http://www.nerc.com/pa/rrm/Webinars%20DL/Generator_Governor_Frequency_Response_Webinar_Qanda_April_2015.pdf).

<sup>89</sup> NERC Primary Frequency Control Guideline Final Draft.

### C. Requirement to Provide and Compensate for Primary Frequency Response Service

53. Without the explicit requirement to provide primary frequency response or appropriate compensation for the provision of such service, resource owners may choose to disable or otherwise reduce the provision of primary frequency response from their existing resources or not install the equipment on their new resources.<sup>90</sup>

54. The Commission seeks information on whether there is a need to establish or modify procurement and compensation mechanisms for primary frequency response, and whether these mechanisms will ensure that the resulting rates are just and reasonable. The Commission invites commenters to share their overall views, including the operational, technical and commercial impacts that may result from mandates to provide primary frequency response. To that end, the Commission seeks comment on the following questions:

1. Should all resources be required to provide minimum levels of: (1) Primary frequency response capability; and (2) primary frequency response performance in real-time?

1.1. "Capability" involves having a turbine governor or equivalent equipment that has the ability to sense changes in system frequency, and is enabled and set with appropriate governor settings (e.g., droop and dead band), and assuming capacity (or "headroom") has been set aside, the physical ability to ramp the resource quickly enough in order to provide useful levels of primary frequency response to help arrest the frequency deviation.

1.2. "Performance" would involve putting the "capability" into actual service: *i.e.*, actually operating the resource with governors or equivalent equipment enabled, ensuring that governor controls (e.g., droop and dead band) and other settings are properly set and coordinated, such that when capacity (or "headroom") has been set aside, the unit promptly provides sustained primary frequency response during frequency excursions, until system frequency returns to within the governor's dead band setting.

2. Is it necessary for every generating resource to install the capability necessary to provide primary frequency

<sup>90</sup> IEEE, *Interconnected Power System Response to Generation Governing: Present Practice and Outstanding Concerns* (May 2007) (citing *Cost of Providing Ancillary Services from Power Plants—Volume 1: A Primer*, EPRI TR-1 07270-V1, 4161, Final Report, March 1997), <http://resourcecenter.ieee-pes.org/pes/product/technical-reports/PESTR13>.

response? Or is it more appropriate for balancing authorities to identify and procure the amount of primary frequency response service that they need to meet their obligations under Reliability Standard BAL-003-1 and the optimum mix of resources to meet that need?

2.1. To the extent that balancing authorities are responsible for procuring adequate primary frequency response service, does the current framework for blackstart provide a useful guide for how primary frequency response service could be procured?

2.2. Does the Commission's recent rulemaking allowing third-party sales of frequency response services at market based rates allow balancing authorities to procure sufficient amounts of primary frequency response as required by BAL-003-1?

2.3. To the extent that balancing authorities centrally optimize primary frequency response, wherein an algorithm optimizes in the operating horizon the set of resources in which to allocate primary frequency response headroom: Should all newly interconnecting resources be required to install the necessary capability in these areas? Can balancing authorities predict far ahead of the operating horizon the least-cost set of resources from which it will optimize the provision of primary frequency response?

2.4. Would the costs of requiring all resources to have the capability to provide primary frequency response be significantly greater than the costs that would result from an Interconnection-wide or balancing authority-wide optimization of which generators should be capable of providing primary frequency response?

2.5. Would the costs of requiring all new resources to enable and set their governors, or equivalent equipment, to be able to provide primary frequency response in real-time be significantly greater than the costs that would result from an Interconnection-wide or balancing authority-wide optimization of which generators should provide primary frequency response in real-time?

2.6. Please discuss the viability of implementing an Interconnection-wide optimization mechanism.

2.7. Would requiring every resource to be capable of providing primary frequency response result in over-procurement or inefficient investment in primary frequency response capability to the detriment of customers?

2.8. Without rules to compel performance, how would balancing authorities ensure that the optimal set of

resources chosen by an optimization algorithm actually enable governor controls with appropriate governor settings so that they provide sustained primary frequency response when capacity (or "headroom") has been reserved and frequency deviates outside of their dead band settings?

3. If generation resources were required to have minimum levels of primary frequency response capability or performance, should such resources be compensated for providing primary frequency response capability, performance, or both? If so, why? If not, why?

3.1. If payment is based on capacity (or "headroom") that is set aside for primary frequency response, how should such a capacity payment be structured and determined?

3.2. If payment is based on actual performance, either alone or in combination with a capacity-based payment, please discuss possible rate structures applicable to primary frequency response performance.

3.3. Will a market price provide resources with sufficient incentive to invest in primary frequency response capability and make the service available to the balancing authority in real-time, absent a requirement that resources maintain the capability to provide primary frequency response and perform as required?

4. Currently, how do RTOs/ISOs ensure that they have the appropriate amount of primary frequency response capability during operations?

4.1. Are resources contracted for primary frequency response outside of the market optimization and dispatch?

4.2. Alternatively, does the market optimization and dispatch incorporate primary frequency response in its optimization?

5. Would it be appropriate for RTOs/ISOs to create a product for primary frequency response service?

5.1. Should this product be similar to a capacity product for the procurement of primary frequency response capability from resources?

5.2. Should this product be similar to other ancillary service products in which certain resources would be selected in the day-ahead or real-time markets to provide primary frequency response?

5.3. Are there benefits to co-optimizing the capacity (or "headroom") allocated on generating units for primary frequency response with the market optimization and dispatch of RTOs/ISOs? If so, what are the challenges associated with doing so?

6. Are there benefits to separating Frequency Response Service under

Schedule 3 and creating a separate ancillary service covering each individually? If so, how should a new *pro forma* Primary Frequency Response Ancillary Service be structured?

7. When compensating for primary frequency response, should compensation be different inside and outside of RTOs/ISOs?

8. What procurement requirements or compensation mechanisms could be used for primary frequency response from stored energy resources? When considering requirements or compensation for stored energy resources, how should possible additional costs or other concerns be addressed?

### III. Comment Procedures

55. The Commission invites interested persons to submit comments, and other information on the matters, issues and specific questions identified in this notice. Comments are due April 25, 2016. Comments must refer to Docket No. RM16-6-000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

56. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

57. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

58. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

### IV. Document Availability

59. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern

time) at 888 First Street NE., Room 2A, Washington, DC 20426.

60. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

61. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

By direction of the Commission.

Issued: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM11-6-000]

#### Billing Procedures for Annual Charges for Recompensing the United States for the Use, Occupancy, and Enjoyment of Federal Lands; Notice of Statement of Annual Charges for the Use of Government Lands for Fiscal Year 2016

By this notice, the Commission states that in accordance to the Final Rule issued on January 17, 2013<sup>1</sup> the federal lands fee schedule of per-acre rates have been calculated for Fiscal Years (FY) 2016 through 2020. Pursuant to the Final Rule, the Commission recalculates the federal lands fee schedule every five years by using the per-acre land values published in the National Agricultural Statistics Service (NASS) Census. The Commission established the FY 2016 through FY 2020 federal lands fee schedule based on data published in the 2012 NASS Census. In addition, the Commission determines a state-specific reduction that removes the value of irrigated lands on a state-by-state basis, plus a seven percent reduction to remove the value of buildings. An encumbrance factor of 50

percent along with a rate of return of 5.77 percent are calculated with the per-acre land values less the state-specific reduction to derive at the individual state/county per-acre federal land rates assessed to hydropower projects.

The FY 2016 federal lands fee schedule rates have significantly increased in comparison to the FY 2015 federal lands fee schedule rates issued on January 8, 2015 for a number of hydropower projects located in multiple states/counties. In particular, hydropower projects located in the Kenai Peninsula Area of Alaska land rates increased by 71 percent in comparison to land rates assessed in FY 2015. The FY 2016 increase of per-acre land rates was mainly attributed to the increase of per-acre land and building values published in the 2012 NASS Census. The per-acre land value for land in the Kenai Peninsula Area was increased from \$1,328 in the 2007 NASS Census to \$2,423 in the 2012 NASS Census. This increase along with factoring in the state-specific reduction, the 50 percent encumbrance factor, and the 5.77 percent rate of return ultimately resulted in a 71 percent increase of per-acre land rates assessed to hydropower projects located in the Kenai Peninsula Area. In addition, per-acre land values for San Bernardino County located in California, Boulder and Clear Creek Counties located in Colorado, and Blaine County located in Idaho all significantly increased as a result of the 2012 published NASS Census.

Conversely, the FY 2016 federal lands fee schedule rates have significantly decreased in comparison to the FY 2015 federal lands fee schedule rates issued on January 8, 2015 for a number of hydropower projects located in other locations as a result of the decreased per-acre land values published in the 2012 NASS Census. Specifically hydropower projects occupying federal lands in Alpine, Lake, and Riverside Counties located in California, Aleutian Islands Area located in Alaska, and Grays Harbor County located in Washington will receive as much as a 37 percent decrease in comparison to the federal lands annual charges issued in FY 2015.

If you have any questions regarding this notice, please contact Steven Bromberek at (202) 502-8001 or Norman Richardson at (202) 502-6219.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2016-03829 Filed 2-23-16; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice Revising Post-Technical Conference Comment Schedule

	Docket Nos.
PJM Interconnection, L.L.C. ...	ER15-2562-000, ER15-2563-000, EL15-18-001.
Consolidated Edison Company of New York, Inc. v. PJM Interconnection, L.L.C.	
Linden VFT, LLC v. PJM Interconnection, L.L.C.	EL15-67-000.
Delaware Public Service Commission and Maryland Public Service Commission v. PJM Interconnection, L.L.C.	EL15-95-000.
PJM Interconnection, L.L.C. ...	ER14-972-003.
PJM Interconnection, L.L.C. ...	ER14-1485-005, Not Consolidated.

In an order dated November 24, 2015,<sup>1</sup> the Commission found that the assignment of cost allocation for the projects in the filings and complaints listed in the caption using PJM's solution-based distribution factor (DFAX) cost allocation method had not been shown to be just and reasonable and may be unjust, unreasonable, or unduly discriminatory or preferential. The Commission directed its staff to establish a technical conference to explore both whether there is a definable category of reliability projects within PJM for which the solution-based DFAX cost allocation method may not be just and reasonable, such as projects addressing reliability violations that are not related to flow on the planned transmission facility, and whether an alternative just and reasonable *ex ante* cost allocation method could be established for any such category of projects.

The technical conference was held on January 12, 2016. At the technical conference, staff indicated that it would establish a schedule for post-technical conference comments after reviewing the technical conference transcript. On February 9, 2016 a technical conference transcript was placed in the above-referenced dockets, and a post-technical conference comment schedule was established. On February 18, 2016, an errata transcript of the February 9, 2016 transcript was placed in the dockets. The schedule for post-technical conference comments is revised accordingly.

Post-technical conference comments, not to exceed 20 pages, are due on or before March 9, 2016.

<sup>1</sup> *Annual Charges for Use of Government Lands, Final Rule*, Order No. 774, 78 FR 5256 (January 25, 2013), 142 FERC Stats & Regs. ¶ 61,045 (2013).

<sup>1</sup> *PJM Interconnection, L.L.C., et al.*, 153 FERC ¶ 61,245 (2015).

For more information about this technical conference, please contact [PJMDFAxconfDL@ferc.gov](mailto:PJMDFAXconfDL@ferc.gov); or Sarah McKinley, 202-502-8368, [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov), regarding logistical issues.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03836 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL16-27-000]

#### West-Wide Must-Offer Requirements; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On February 18, 2016, the Commission issued an order in Docket No. EL16-27-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into the justness and reasonableness of the must-offer obligation imposed in the Western Electricity Coordinating Council<sup>1</sup> during the California energy crisis of 2000-2001. *West-Wide Must-Offer Requirements*, 154 *FERC* ¶ 61,110 (2016).

The refund effective date in Docket No. EL16-27-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03834 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ID-7848]

#### Belliveau, Robert G.; Notice of Filing

Take notice that on February 17, 2016, Robert G. Belliveau submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act (FPA)<sup>1</sup> and Part 45.8 (2015) of the Federal Energy Regulatory

Commission's (Commission)<sup>2</sup> Rules of Practice and Procedure.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern Time on March 9, 2016.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03824 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2894-010]

#### Flambeau Hydro, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2894-010.

c. *Date Filed:* December 30, 2016.

d. Submitted By: Flambeau Hydro, LLC.

e. *Name of Project:* Black Brook Hydroelectric Project.

f. *Location:* On the Apple River in the town of Black Brook near the City of Amery, in Polk County, Wisconsin. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Jason P. Kreuzer, Vice President, Operations, Renewable World Energies, LLC, 100 S. State Street, P.O. Box 264, Neshkoro, WI 54960; phone: (855) 994-9376, ext 102.

i. *FERC Contact:* Laura Washington at (202) 502-6072; or email at [Laura.Washington@ferc.gov](mailto:Laura.Washington@ferc.gov).

j. Flambeau Hydro, LLC filed its request to use the Traditional Licensing Process on December 30, 2015. Flambeau Hydro, LLC provided public notice of its request on December 23, 2015. In a letter dated February 18, 2016, the Director of the Division of Hydropower Licensing approved Flambeau Hydro, LLC's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402. We are also initiating consultation the Wisconsin State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Flambeau Hydro, LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section

<sup>1</sup> Formerly the Western Systems Coordinating Council.

<sup>1</sup> 16 U.S.C. 825d(b) (2012).

<sup>2</sup> 18 CFR part 45 (2015).



106 of the National Historic Preservation Act.

m. Flambeau Hydro, LLC filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCONlineSupport@ferc.gov](mailto:FERCONlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2894. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2017.

p. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: February 18, 2016.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2016-03826 Filed 2-23-16; 8:45 am]

BILLING CODE 6717-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0691]

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or the Commission)

invites the general public and other federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before April 25, 2016. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0691.

*Title:* 900 MHz Specialized Mobile

Radio (SMR) Service, Section 90.665.

*Form No.:* N/A.

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

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 125 respondents; 125 responses.

*Estimated Time per Response:* .5 hours (30 minutes)-2 hours.

*Frequency of Response:* On occasion reporting requirement and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i) and 309(j).

*Total Annual Burden:* 406 hours.

*Total Annual Cost:* \$150,300.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Needs and Uses:* Section 90.665 requires each Major Trading Area (MTA) licensee in the 896-901/935-940 MHz bands must, three years from the date of license grant, construct and place into operation a sufficient number of base stations to provide coverage to at least one-third of the population of the MTA. Further, each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant. Alternatively, a MTA licensee must demonstrate, through a showing to the Commission five years from the date of license grant, that it is providing substantial service. The MTA licensee must also demonstrate that other substantial service benchmarks will be met.

The information verifying construction requirement will be used by the Commission to determine whether the licensee has met the 900 MHz MTA construction requirements. Information will be submitted on FCC Form 601 (OMB Control No. 3060-0798) electronically.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary, Office of the Secretary.

[FR Doc. 2016-03802 Filed 2-23-16; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

[3064-0046, 3064-0113 & 3064-0178]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

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

**SUMMARY:** The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). On December 15, 2015, (80 FR 77630), the FDIC requested comment for 60 days on a proposal to renew the information collections described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request

to approve the renewal of these collections, and again invites comment on this renewal.

**DATES:** Comments must be submitted on or before March 25, 2016.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <http://www.FDIC.gov/regulations/federal/>.

- *Email:* [comments@fdic.gov](mailto:comments@fdic.gov) Include the name of the collection in the subject line of the message.

- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room MB-3016, or Manuel E. Cabeza, (202.898.3767), Counsel, Room MB-3105, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Gary A. Kuiper or Manuel E. Cabeza, at the FDIC address above.

**SUPPLEMENTARY INFORMATION:** Proposal to renew the following currently-approved collections of information:

1. *Title:* Home Mortgage Disclosure Act.

*OMB Number:* 3064-0046.

*Affected Public:* Insured state nonmember banks.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 2,575.

*Estimated Number of Responses:* 1,091,614.

*Estimated Time per Response:* 5 minutes.

*Total Annual Burden:* 90,967 hours.

*General Description:* To permit the FDIC to detect discrimination in residential mortgage lending, certain insured state nonmember banks are required by FDIC Regulation 12 CFR 338 to maintain various data on home loan applicants.

2. *Title:* External Audits.

*OMB Number:* 3064-0113.

*Form Numbers:* None.

*Frequency of Response:* Annually.

*Affected Public:* All insured financial institutions with total assets of \$500 million or more and other insured financial institutions with total assets of

less than \$500 million that voluntarily choose to comply.

*General Description:* FDIC's regulations at 12 CFR part 363 establish annual independent audit and reporting requirements for financial institutions with total assets of \$500 million or more. The requirements include the submission of an annual report on their financial statements, recordkeeping about management deliberations regarding external auditing and reports about changes in auditors. The information collected is used to facilitate early identification of problems in financial management at financial institutions.

*Explanation of burden estimates:* The estimates of annual burden are based on the estimated burden hours for FDIC-supervised institutions within each asset classification (\$1 billion or more, \$500 million or more but less than \$1 billion, and less than \$500 million) to comply with the requirements of part 363 regarding the annual report, audit committee, other reports, and the notice of change in accountants. The number of respondents reflects the number of FDIC-supervised institutions in each asset classification. The number of annual responses reflects the estimated number of submissions for each asset classification. The annual burden hours reflects the estimated number of hours for FDIC-supervised institutions within each asset classification to comply with the requirements of part 363.

a. FDIC-Supervised Institutions with Assets of \$1 Billion or More.

*Number of Respondents:* 351.

*Annual Responses:* 1,141.

*Estimated Time per Response:* 69.84 hours.

*Annual Burden Hours:* 79,688 hours.

b. FDIC-Supervised Institutions with Assets of \$500 Million or More but Less than \$1 Billion.

*Number of Respondents:* 401.

*Annual Responses:* 1,303.

*Estimated Time per Response:* 8.42 hours.

*Annual Burden Hours:* 10,977 hours.

c. FDIC-Supervised Institutions with Assets Less than \$500 Million.

*Number of Respondents:* 3,291.

*Annual Responses:* 9,873.

*Estimated Time per Response:* 15 minutes.

*Annual Burden Hours:* 2,468 hours.

*Total Number of Respondents:* 4,043.

*Total Annual Responses:* 12,317.

*Total Annual Burden Hours:* 84,026 hours.

3. *Title:* Market Risk Capital Requirements.

*OMB Number:* 3064-0178.

*Form Numbers:* None.

*Frequency of Response:* Occasionally.

*Affected Public:* Insured state nonmember banks and state savings associations.

*Estimated Number of Respondents:* 1.

*Estimated Number of Responses:* 1.

*Total Annual Burden:* 1,964 hours.

*General Description:* The FDIC's market risk capital rules (12 CFR part 324, subpart F) enhance risk sensitivity, increase transparency through enhanced disclosures and include requirements for the public disclosure of certain qualitative and quantitative information about the market risk of state nonmember banks and state savings associations (FDIC-supervised institutions). The market risk rule applies only if a bank holding company or bank has aggregated trading assets and trading liabilities equal to 10 percent or more of quarter-end total assets or \$1 billion or more. Currently, only one FDIC-regulated entity meets the criteria the information collection requirements are located at 12 CFR 324.203 through 324.212. The collection of information is necessary to ensure capital adequacy appropriate for the level of market risk.

Section 324.203(a)(1) requires FDIC-supervised institutions to have clearly defined policies and procedures for determining which trading assets and trading liabilities are trading positions and specifies the factors a FDIC-supervised institutions must take into account in drafting those policies and procedures. Section 324.203(a)(2) requires FDIC-supervised institutions to have clearly defined trading and hedging strategies for trading positions that are approved by senior management and specifies what the strategies must articulate. Section 324.203(b)(1) requires FDIC-supervised institutions to have clearly defined policies and procedures for actively managing all covered positions and specifies the minimum requirements for those policies and procedures. Sections 324.203(c)(4) through 324.203(c)(10) require the annual review of internal models and specify certain requirements for those models. Section 324.203(d) requires the internal audit group of a FDIC-supervised institution to prepare an annual report to the board of directors on the effectiveness of controls supporting the market risk measurement systems.

Section 324.204(b) requires FDIC-supervised institutions to conduct quarterly backtesting. Section 324.205(a)(5) requires institutions to demonstrate to the FDIC the appropriateness of proxies used to capture risks within value-at-risk models. Section 324.205(c) requires institutions to develop, retain, and make

available to the FDIC value-at-risk and profit and loss information on sub-portfolios for two years. Section 324.206(b)(3) requires FDIC-supervised institutions to have policies and procedures that describe how they determine the period of significant financial stress used to calculate the institution's stressed value-at-risk models and to obtain prior FDIC approval for any material changes to these policies and procedures.

Section 324.207(b)(1) details requirements applicable to a FDIC-supervised institution when the FDIC-supervised institution uses internal models to measure the specific risk of certain covered positions. Section 324.208 requires FDIC-supervised institutions to obtain prior written FDIC approval for incremental risk modeling. Section 324.209(a) requires prior FDIC approval for the use of a comprehensive risk measure. Section 324.209(c)(2) requires FDIC-supervised institutions to retain and report the results of supervisory stress testing. Section 324.210(f)(2)(i) requires FDIC-supervised institutions to document an internal analysis of the risk characteristics of each securitization position in order to demonstrate an understanding of the position. Section 324.212 requires quarterly quantitative disclosures, annual qualitative disclosures, and a formal disclosure policy approved by the board of directors that addresses the approach for determining the market risk disclosures it makes.

#### Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 19th day of February, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
Executive Secretary.

[FR Doc. 2016-03818 Filed 2-23-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10227, Champion Bank, Creve Coeur, MO

*Notice is hereby given* that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Champion Bank, Creve Coeur, MO ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Champion Bank on April 30, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 19, 2016.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
Executive Secretary.

[FR Doc. 2016-03907 Filed 2-23-16; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL HOUSING FINANCE AGENCY

[No. 2016-N-01]

### Notice of Annual Adjustment of the Cap on Average Total Assets That Defines Community Financial Institutions

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Agency (FHFA) has adjusted the cap on average total assets that defines a "Community Financial Institution" to

\$1,128,000,000, based on the annual percentage increase in the Consumer Price Index for all urban consumers (CPI-U) as published by the Department of Labor (DOL). These changes took effect on January 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** Kaitlin Hildner, Division of Federal Home Loan Bank Regulation, (202) 649-3329, [Kaitlin.Hildner@fhfa.gov](mailto:Kaitlin.Hildner@fhfa.gov), or Eric M. Raudenbush, Assistant General Counsel, (202) 649-3084, [Eric.Raudenbush@fhfa.gov](mailto:Eric.Raudenbush@fhfa.gov), (not toll-free numbers), Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW., Washington, DC 20219.

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory and Regulatory Background

The Federal Home Loan Bank Act (Bank Act) confers upon insured depository institutions that meet the statutory definition of a "Community Financial Institution" (CFI) certain advantages over non-CFI insured depository institutions in qualifying for Federal Home Loan Bank (Bank) membership, and in the purposes for which they may receive long-term advances and the collateral they may pledge to secure advances.<sup>1</sup> Section 2(10)(A) of the Bank Act and § 1263.1 of FHFA's regulations define a CFI as any Bank member the deposits of which are insured by the Federal Deposit Insurance Corporation and that has average total assets below a statutory cap.<sup>2</sup> The Bank Act was amended in 2008 to set the statutory cap at \$1 billion and to require the Director of FHFA to adjust the cap annually to reflect the percentage increase in the CPI-U, as published by the DOL, for the prior year.<sup>3</sup> For 2015, FHFA set the CFI asset cap at \$1,123,000,000, which reflected a 1.3 percent increase over 2014, based upon the increase in the CPI-U between 2013 and 2014.<sup>4</sup>

##### II. The CFI Asset Cap for 2016

As of January 1, 2016, FHFA has increased the CFI asset cap from \$1,123,000,000 to \$1,128,000,000, which reflects a 0.5 percent increase in the unadjusted CPI-U from November 2014 to November 2015. The new amount was obtained by rounding to the nearest million, as has been the practice for all prior adjustments. Consistent with the practice of other Federal agencies, FHFA bases the annual adjustment to the CFI asset cap on the

<sup>1</sup> See 12 U.S.C. 1424(a), 1430(a).

<sup>2</sup> See 12 U.S.C. 1422(10)(A); 12 CFR 1263.1.

<sup>3</sup> See 12 U.S.C. 1422(10); 12 CFR 1263.1 (defining the term *CFI asset cap*).

<sup>4</sup> See 80 FR 6712 (Feb. 6, 2015).

percentage increase in the CPI-U from November of the year prior to the preceding calendar year to November of the preceding calendar year, because the November figures represent the most recent available data as of January 1st of the current calendar year.

In calculating the CFI asset cap, FHFA uses CPI-U data that have not been seasonally adjusted (*i.e.*, the data have not been adjusted to remove the estimated effect of price changes that normally occur at the same time and in about the same magnitude every year). The DOL encourages use of unadjusted CPI-U data in applying “escalation” provisions such as that governing the CFI asset cap, because the factors that are used to seasonally adjust the data are amended annually, and seasonally adjusted data that are published earlier are subject to revision for up to five years following their original release. Unadjusted data are not routinely subject to revision, and previously published unadjusted data are only corrected when significant calculation errors are discovered.

Dated: February 18, 2016.

**Melvin L. Watt,**

*Director, Federal Housing Finance Agency.*

[FR Doc. 2016-03872 Filed 2-23-16; 8:45 am]

**BILLING CODE 8070-01-P**

## FEDERAL MARITIME COMMISSION

[Docket No. 16-03]

### **KSB Shipping & Logistics LLC v. Direct Container Line aka Vanguard Logistics; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by KSB Shipping & Logistics LLC, hereinafter “Complainant,” against Direct Container Line aka Vanguard Logistics, hereinafter “Respondent.” Complainant states that it is a non-vessel-operating common carrier (NVOCC) and freight forwarder licensed by the Commission and a New Jersey corporation. Complainant alleges that Respondent is an NVOCC licensed by the Commission.

Complainant alleges that Respondent has violated section 10(d)(1) of the Shipping Act, 46 U.S.C. 41102(c), in connection with a shipment made as agents for shippers Risona Incorporated and Bracha Export Corp DBA Continental, and consolidator R&A International Logistics Incorporated. Complainant alleges that “Cargo Partner Austria who were the agents of Vanguard Logistics in Europe released the delivery order to the consignees

broker Cargo Clearing GMBH Austria without the latter presenting the Original Bill of lading and also despite the fact that the shipment was on hold status and despite the fact that Vanguard Logistics representative had given the assurance in writing to us that the shipment will be on hold.” Complainant seeks reparations of \$191,110 plus interest and attorney’s fees.

The full text of the complaint can be found in the Commission’s Electronic Reading Room at [www.fmc.gov/16-03](http://www.fmc.gov/16-03).

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by February 13, 2017, and the final decision of the Commission shall be issued by August 18, 2017.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2016-03916 Filed 2-23-16; 8:45 am]

**BILLING CODE 6731-AA-P**

## FEDERAL MARITIME COMMISSION

### **Notice of Agreement Filed**

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission’s Web site ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202)-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012367-001.

*Title:* MSC/Maersk Line Trans-Atlantic Space Charter Agreement.

*Parties:* Maersk Line A/S and MSC Mediterranean Shipping Company S.A.

*Filing Party:* Wayne R. Rohde, Esq.; Cozen O’Conner; 1200 19th Street NW.; Washington, DC 20036.

*Synopsis:* The amendment adds the trade from the Port of New York/New Jersey to the Bahamas to the scope of the agreement, and provides for the chartering of space for the movement of empty containers in that sub-trade. The amendment also revises the amount of space to be chartered under the agreement and adds language regarding the minimum duration of the agreement.

By Order of the Federal Maritime Commission.

Dated: February 19, 2016.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2016-03915 Filed 2-23-16; 8:45 am]

**BILLING CODE 6731-AA-P**

## FEDERAL RESERVE SYSTEM

### **Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 21, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can also be sent electronically to [Applications.Comments@atl.frb.org](mailto:Applications.Comments@atl.frb.org):

1. *Professional Holding Corp.*, Coral Gables, Florida; to acquire 100 percent of the voting shares of FirstCity Bank of Commerce, Palm Beach Gardens, Florida.

B. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to [Comments.applications@stls.frb.org](mailto:Comments.applications@stls.frb.org):

1. *Doctors Only Bancorp, Inc.*, St. Louis, Missouri; to become a bank

holding company by acquiring 100 percent of the voting shares of Superior Bancshares, Inc., and thereby indirectly acquire voting shares of Superior Bank, both in Hazelwood, Missouri.

Board of Governors of the Federal Reserve System, February 19, 2016.

**Margaret McCloskey Shanks,**  
*Deputy Secretary of the Board.*

[FR Doc. 2016-03817 Filed 2-23-16; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

[Docket No. ATSDR-2016-0003]

#### Availability of Draft Toxicological Profiles; Jet Fuels and 1-Bromopropane

**AGENCY:** Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS).

**ACTION:** Notice of availability, and request for comments.

**SUMMARY:** This notice, prepared by the Agency for Toxic Substances and Disease Registry (ATSDR) for the Department of Defense, announces the availability of two new draft toxicological profile on unregulated hazardous substances for review and comment. All toxicological profiles issued as "Drafts for Public Comment" represent ATSDR's best efforts to provide important toxicological information on priority hazardous substances. We are seeking public comments and additional information or reports on studies about the health effects of Jet Fuels and 1-Bromopropane for review and potential inclusion in the profile. ATSDR remains committed to providing a public comment period for these documents as a means to best serve public health and our clients.

Comments can include additional information or reports on studies about the health effects of Jet Fuels and 1-Bromopropane. Although ATSDR will consider key studies for these substances during the profile development process, this **Federal Register** notice solicits any relevant, additional studies, particularly unpublished data. ATSDR will evaluate the quality and relevance of such data or studies for possible inclusion into the profile.

**DATES:** Written comments on the draft Toxicological Profiles must be received on or before May 24, 2016.

**ADDRESSES:** You may submit comments, identified by docket number ATSDR-2016-0003, by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- *Mail:* Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd. NE., MS F-57, Atlanta, GA 30329. Attn: Docket No. ATSDR-2016-0003.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All relevant comments will be posted without change. Because all public comments regarding ATSDR Toxicological Profiles are available for public inspection, no confidential business information or other confidential information should be submitted in response to this notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Delores Grant, Division of Toxicology and Human Health Sciences, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd. NE., MS F-57, Atlanta, GA 30329. Phone: (800) 232-4636 or 770-488-3351.

**SUPPLEMENTARY INFORMATION:** The Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499) amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). Section 211 of SARA also amended Title 10 of the U.S. Code, creating the Defense Environmental Restoration Program. Section 2704(a) of Title 10 of the U.S. Code directs the Secretary of Defense to notify the Secretary of HHS of not less than 25 of the most commonly found unregulated hazardous substances at defense facilities. The Secretary of HHS is to prepare toxicological profiles of these substances. Each profile is to include an examination, summary, and interpretation of available toxicological information and epidemiologic evaluations. This information is used to ascertain the level of significant human exposure for the substance and the associated health effects. The toxicological profile includes a determination of whether adequate information on the health effects of each substance is available or is in the process of being developed. When adequate information is not available, ATSDR, in cooperation with the National Toxicology Program (NTP), may plan a program of research designed to determine these health effects.

Although a number of key studies for this substance were identified and evaluated during the draft profile development process, this **Federal Register** notice seeks to solicit any additional studies, particularly unpublished data and ongoing studies. These studies will be evaluated for possible addition to the profile now or in the future.

The Toxicological Profiles for Jet Fuels and 1-Bromopropane are available online at <http://www.atsdr.cdc.gov/toxprofiles/index.asp> and [www.regulations.gov](http://www.regulations.gov), Docket No. ATSDR-2016-0003.

**Donna B. Knutson,**

*Acting Director, Office of Policy, Planning and Evaluation, National Center for Environmental Health, and Agency for Toxic Substances and Disease Registry.*

[FR Doc. 2016-03861 Filed 2-23-16; 8:45 am]

**BILLING CODE 4163-70-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-16-0821]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395-5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Quarantine Station Illness Response Forms: Airline, Maritime, and Land/Border Crossing (OMB Control No. 0920-0821; expires 04/30/2016)—Revision—Division of Global Migration and Quarantine, National Center for Emerging Zoonotic and Infectious Diseases, Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

CDC is requesting approval for a revision to this existing information collection with the intent of ensuring that CDC can continue and improve the collection of pertinent information related to communicable disease or deaths that occur aboard conveyances during travel within the United States and into the United States from a foreign country, as authorized under 42 Code of Federal Regulations part 70 and 71, respectively.

Concerning routine operations, CDC is adjusting its estimates of respondents and burden associated with the use of the Air Travel, Maritime Conveyance, and Land Travel Illness or Death Investigation forms.

- CDC is requesting an increase in the number of respondents to the Air Travel Illness or Death Investigation form, from 1,626 respondents to 1,800. This results in an additional 14 hours of burden per year.

- CDC is requesting fewer respondents to the Maritime Conveyance Illness or Death Investigation Form, from 1,873 to 750 reports. This results in a decrease of 93 hours.

- CDC is requesting a decrease in the number of respondents to the Land Travel Illness or Death Investigation form, from 259 respondents to 100. This results in a decrease of 14 hours.

Also included are changes to account for the end of the entry risk assessment program for travelers entering the United States from the formerly Ebola affected countries. Responses to the United States Travelers Health Declaration and the Ebola Entry Risk Assessment Forms, including the Ill Traveler version, are no longer required for these travelers; therefore, CDC is requesting to remove these forms from this information collection. The changes are as follows:

- CDC is requesting the removal of 49,238 respondents to the United States Travel Health Declaration (English: Hard Copy, fillable PDF, electronic portal), resulting in a decrease of 12,310 burden hours.

- CDC is requesting the removal of 1,586 respondents to the United States Travel Health Declaration (French translation guide), with a decrease 397 burden hours.

- CDC is requesting the removal of 176 respondents to the United States Travel Health Declaration (Arabic translation guide), with a decrease of 44 burden hours.

The changes for the Ebola Risk Assessment Form are as follows:

- CDC is requesting the removal of 3,447 respondents to the Ebola Risk Assessment Form (English hard copy), and an associated decrease of 862 burden hours.

- CDC is requesting the removal of 111 respondents to the Ebola Risk Assessment French translation guide and a decrease of 28 burden hours.

- CDC is requesting the removal of 13 respondents to the Ebola Risk Assessment Arabic translation guide, and 3 fewer burden hours.

- CDC is requesting the removal of the Ebola Entry Screening Risk Assessment (Ill Traveler Interview), which decreases the number of respondents by 100 and the burden by 25 hours.

CDC is no longer requesting the use of this version of the IVR Active Monitoring Survey. Therefore, the following changes are requested:

- CDC is requesting the removal of 49,238 respondents to the IVR Active Monitoring Survey (English: Recorded), with 68,933 fewer burden hours.

- CDC is requesting the removal of 1,586 respondents to the IVR Active Monitoring Survey (French: Recorded) with a decrease of 2,220 hours of burden.

- CDC is requesting the removal of 176 respondents to the IVR Active Monitoring: Arabic translation assistance (no script), with a decrease of 246 burden hours.

These adjustments and changes result in a decrease of 85,161 burden hours.

CDC requests a total of 2,650 respondents and 221 burden hours annually. The respondents to these information collections are travelers and ship medical personnel. There is no cost to respondents other than the time required to provide the information requested.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in minutes)
Traveler .....	Airline Travel Illness or Death Investigation Form .....	1,800	1	5/60
Ship Medical Personnel .....	Maritime Conveyance Illness or Death Investigation Form.	750	1	5/60
Traveler .....	Land Travel Illness or Death Investigation Form .....	100	1	5/60

**Leroy A. Richardson,**  
 Chief, Information Collection Review Office,  
 Office of Scientific Integrity, Office of the  
 Associate Director for Science, Office of the  
 Director, Centers for Disease Control and  
 Prevention.

[FR Doc. 2016-03821 Filed 2-23-16; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–16–16PA; Docket No. CDC–2016–0021]

#### Proposed Data Collections Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, 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. This notice invites comment on the Study to Explore Early Development (SEED) Phase 3.

**DATES:** Written comments must be received on or before April 25, 2016.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2016–0021 by any of the following methods:

- *Federal eRulemaking Portal:*

Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket number. All relevant comments received will be posted without change to Regulations.gov, including any personal information provided. For access to the docket to read background documents or comments received, go to Regulations.gov.

#### FOR FURTHER INFORMATION CONTACT:

Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 6501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of the information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed

collection of the information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

#### Proposed Project

Study to Explore Early Development 3 (SEED 3)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

Autism spectrum disorders (ASD) are a group of neurodevelopmental disorders characterized by qualitative impairments in social interaction and communication and stereotyped behaviors and interests. Recent systematic population surveys and

routine monitoring systems in the U.S. and other countries indicate the prevalence to be 1% to 2%. Apart from the identification of some rare genetic conditions that are commonly associated with autism, causal mechanisms for the disorder largely remain unknown.

The Children's Health Act of 2000 mandated CDC to establish autism surveillance and research programs to address the number, incidence, and causes of autism and related developmental disabilities. Under the provisions of this act, NCBDDD funded five Centers for Autism and Developmental Disabilities Research and Epidemiology (CADDRE) through program announcements in FY2001 and FY2002 (California, Colorado, Maryland, North Carolina and Pennsylvania); CDC's NCBDDD served as the sixth CADDRE site.

For the first funding cycle (2001–2006), each CADDRE grantee had three core objectives: To develop a protocol for a multi-site collaborative epidemiologic study focused on autism (which was eventually named the Study to Explore Early Development [SEED]); to conduct surveillance of autism and other developmental disabilities; and to conduct site-specific investigator-initiated studies on autism. In FY 2006, through a second CADDRE funding cycle, five grantees were awarded. The CADDRE activities for the second funding cycle (2006–2011) were limited to implementation of the first phase of SEED (subsequently known as SEED 1). CDC served as the sixth CADDRE SEED 1 site during this period. A second phase of SEED (SEED 2) was funded under a third funding cycle (2011—currently ongoing with completion in 2016). Five CADDRE grantees received the awards. Again, CDC served as the sixth SEED 2 site.

Four extramural sites plus the CDC site will implement the SEED 3 collaborative protocol. The SEED 3 protocol for identification of study participants, recruitment, and study data collection flow will be very similar to the protocols for SEED 1 and 2.

Modifications that will be implemented in the third round of data collection include recruitment from a more recent cohort of children, strategies to improve response rates, and a further reduction in the data collection protocol. No data collection instruments/exams used in SEED 2 will be revised in SEED 3; however, some instruments will not be retained in the protocol to reduce participant burden.

Families will be identified from each of the 3 groups: Autism Spectrum Disorder (ASD), other developmental

delay or disorder comparison group (DD), and a second comparison group of children randomly drawn from the entire study cohort population (POP). It is expected that the 5 SEED 3 study sites will have a total of 1,875 children enroll and complete the study protocol. The data collection process will take approximately 9 hours 10 minutes (ASD

group); 5 hours 30 minutes (POP group); 2 hours 45 minutes (DD group) to complete, which includes (1) maternal telephone interview with questions about maternal reproductive history and pregnancy with the index child, (2) parent-completed questionnaires about parental and child health and child development, (3) in-person child

developmental evaluation, (4) maternal and child anthropometry measurements, (5) biosampling from biological parents and child, and (6) abstraction of maternal prenatal and labor and delivery medical records. The estimated total burden hours are 18,431. There are no costs to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Parent .....	SCQ .....	1,875	1	30/60	938
Parent .....	Pregnancy Reference form .....	1,875	1	15/60	469
Parent .....	Maternal Interview .....	1,875	1	60/60	1,875
Parent .....	Self-Administered Forms .....	1,875	1	88/60	2,750
Parent .....	HIPAA Medical Records Release .....	1,500	1	20/60	500
Parent/Child .....	Clinic/Home Visit—Developmental Assessment.	3,000	1	238/60	11,900
<b>Total .....</b>		<b>12,000</b>			<b>18,431</b>

**Leroy A. Richardson,**  
 Chief, Information Collection Review Office,  
 Office of Scientific Integrity, Office of the  
 Associate Director for Science, Office of the  
 Director, Centers for Disease Control and  
 Prevention.

[FR Doc. 2016-03820 Filed 2-23-16; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-P-0015A]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed

information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by April 25, 2016.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of the following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786-1326.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

**CMS-P-0015A Medicare Current Beneficiary Survey**

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this



requirement, CMS is publishing this notice.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Current Beneficiary Survey; *Use:* CMS is the largest single payer of health care in the United States. With full implementation of the Affordable Care Act of 2010 (ACA), the agency will play a direct or indirect role in administering health insurance coverage for more than 120 million people across the Medicare, Medicaid, CHIP, and Exchange populations. One of our critical aims is to be an effective steward, major force, and trustworthy partner in leading the transformation of the health care system. We also aim to provide Americans with high quality care and better health at lower costs through improvement. At the forefront of these initiatives is the newly formed Center for Medicare and Medicaid Innovation (CMMI).

CMMI is authorized by Section 1115A of the Social Security Act, as established by section 3021 of the ACA and was established to “test innovative payment and service delivery models to reduce program expenditures while preserving or enhancing the quality of care furnished” to Medicare, Medicaid and CHIP beneficiaries. Implicit across all of CMMI activities is an emphasis on diffusion—finding and validating innovative models that have the potential to scale, facilitating rapid adoption, and letting them take root in organizations, health systems, and communities across America.

The Medicare Current Beneficiary Survey (MCBS) is the most comprehensive and complete survey available on the Medicare population and is essential in capturing data not otherwise collected through our operations. The MCBS is an in-person, nationally-representative, longitudinal survey of Medicare beneficiaries that we sponsor and is directed by the Office of Enterprise Data and Analytics (OEDA) in partnership with the CMMI. The survey captures beneficiary information whether aged or disabled, living in the community or facility, or serviced by managed care or fee-for-service. Data produced as part of the MCBS are enhanced with our administrative data (e.g. fee-for-service claims, prescription drug event data, enrollment, etc.) to provide users with more accurate and complete estimates of total health care costs and utilization. The MCBS has been continuously fielded for more than 20 years (encompassing over 1 million interviews), and consists of three annual interviews per survey participant.

The MCBS continues to provide unique insight into the Medicare program and helps CMS and our external stakeholders better understand and evaluate the impact of existing programs and significant new policy initiatives. In the past, MCBS data have been used to assess potential changes to the Medicare program. For example, the MCBS was instrumental in supporting the development and implementation of the Medicare prescription drug benefit by providing a means to evaluate prescription drug costs and out-of-pocket burden for these drugs to Medicare beneficiaries. The revision will streamline some questionnaire sections, add a few new measures, and update the wording of questions and response categories. Most of the revised questions reflect an effort to bring the MCBS questionnaire in line with other national surveys that have more current wording of questions and response categories with well-established measures. As a whole, these revisions do not change the respondent burden; there is a small increase in overall burden reflecting a program change to oversample small population groups. *Form Number:* CMS-P-0015A (OMB control number: 0938-0568); *Frequency:* Occasionally; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 16,071; *Total Annual Responses:* 43,199; *Total Annual Hours:* 60,103. (For policy questions regarding this collection contact William Long at 410-786-7927.)

Dated: February 19, 2016.

**William N. Parham, III,**  
*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2016-03908 Filed 2-23-16; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2016-N-0566]

#### **Agency Information Collection Activities; Proposed Collection; Comment Request; Outcomes Evaluation Survey for Graduates of the Food and Drug Administration Commissioner’s Fellowship Program**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the

proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on Outcomes Evaluation Survey for Graduates of the FDA Commissioner’s Fellowship Program.

**DATES:** Submit either electronic or written comments on the collection of information by April 25, 2016.

**ADDRESSES:** Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE-14526, Silver Spring, MD 20993-0002, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and

assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Outcomes Evaluation Survey for Graduates of the FDA Commissioner's Fellowship Program (OMB Control Number 0910-NEW)**

Collecting outcomes information from the CFP graduates will allow FDA's Office of the Commissioner to easily and efficiently elicit and review information from the CFP graduates needed to collect program feedback. The process will reduce the time and cost of

submitting written documentation to the Agency and lessen the likelihood of surveys being misrouted within the Agency mail system. It will assist the Agency in promoting and protecting the public health by encouraging outside persons to share their experience with the FDA while a Commissioner's Fellow.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Fellowship Program Survey .....	10	1	10	0.50 (30 minutes) .....	5

<sup>1</sup> The capital costs or operating and maintenance costs associated with this collection of information is \$300 annually.

FDA based these estimates on the number of fellows who that have graduated and left the Agency over the past 5 years.

Dated: February 18, 2016.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2016-03791 Filed 2-23-16; 8:45 am]

BILLING CODE 4164-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2012-D-0530]

**Request for Expressions of Interest From Coverage Organizations; Coverage Organizations Interested in Providing Input Regarding Private Payer Coverage to Medical Device Sponsors Who Request Their Participation in a Pre-Submission Meeting With the Food and Drug Administration**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; request for expressions of interest.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting expressions of interest from organizations that evaluate clinical evidence used to support private payer coverage decisions for medical devices (coverage organizations) that wish to provide input to medical device developers (sponsors) on clinical trial design or other plans for gathering clinical evidence needed to support positive coverage decisions. These coverage organizations include third-party commercial health insurance organizations, payer/provider

organizations, health technology assessment groups and various organizations that evaluate clinical evidence and make coverage recommendations to and decisions for private payers and health plans. The Center for Devices and Radiological Health (CDRH) is taking this step to assist sponsors in identifying such organizations and soliciting clinical trial design or other evidence-gathering input from them.

If coverage organizations express interest, FDA intends to provide a mechanism for such organizations to identify themselves so that medical device sponsors who would like to obtain coverage input can voluntarily contact them to participate in a FDA Pre-Submission meeting. Early input from payers regarding their evidentiary needs can streamline the process from FDA approval or clearance to payer coverage and improve public health by facilitating earlier access to innovative, safe, and effective medical devices.

**DATES:** This notice will be effective February 24, 2016.

**ADDRESSES:** Expressions of interest should be emailed to *CDRH-Innovation@fda.hhs.gov* and contain the subject line "Expression of Interest in Providing Input Regarding Private Payer Coverage to Medical Device Sponsors." The body of the email should contain your organization's name, email, and mailing address.

**FOR FURTHER INFORMATION CONTACT:** CDRH Innovation, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5410, Silver Spring, MD 20993-0002, *CDRH-Innovation@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The mission of CDRH is to protect and promote public health. This is accomplished in part by fulfilling its vision that patients in the U.S. have access to safe and effective high quality medical devices of public health importance first in the world.

In the September 17, 2010, **Federal Register** notice (75 FR 57045), the Centers for Medicare and Medicaid Services (CMS) and FDA introduced Parallel Review, which is intended to reduce the time between FDA marketing approval or clearance and CMS's National Coverage Determinations (NCDs). As part of that program, sponsors met with FDA and CMS at various times, to discuss the type of clinical evidence that would support positive decisions by each agency. The Parallel Review process improves the public health and quality of patient care by facilitating earlier access to innovative medical devices for Medicare beneficiaries. Based in part on the lessons learned from the Parallel Review program and from Pre-Submission meetings involving CMS, FDA found that early input from payers regarding their evidentiary needs can streamline the process from FDA approval or clearance to payer coverage.

CDRH wishes to facilitate the voluntary inclusion, by sponsors in their Pre-Submission meetings, of those organizations that evaluate clinical evidence used to support private payer coverage determinations for medical devices (coverage organizations), so that sponsors can obtain early input from both FDA and private payers, and plan accordingly. The communications within the scope of this notice consist of input from coverage organizations to sponsors on clinical trial design or other

plans for gathering clinical evidence needed to support positive coverage decisions. It is not intended to include sponsors' communications of clinical evidence to coverage organizations. These coverage organizations include third-party commercial health insurance organizations, payer/provider organizations, health technology assessment groups and various other organizations that evaluate clinical evidence and make coverage recommendations to and decisions for private payers and health plans.

Timely access to innovative medical devices has been a significant issue in the delivery of high quality health care. Generally, access to medical devices first requires FDA approval or clearance for marketing, and, for broad patient access to innovative devices, coverage by payers. In this context, a "payer" refers to those organizations that may provide both coverage and reimbursement for the use of a medical device within a variety of clinical settings. They are generally third-party commercial health insurance companies, health plans, payer-provider organizations, and others.

Without proper planning, medical device sponsors developing innovating devices might encounter delays or barriers to payer coverage. Development of medical devices often occurs in a sequential manner, whereby the sponsor initially interacts with FDA to determine whether or not clinical evidence would be required in a subsequent marketing application for FDA approval or clearance. If clinical data are required, the sponsor may further interact with FDA to develop the study protocol for the pivotal clinical trial. Next, the sponsor initiates and conducts the clinical trial and then submits that clinical evidence to FDA in a premarket submission. Lastly, the FDA reviews the submission and issues a regulatory decision. It is after these steps have been completed that the sponsor may begin marketing the device; however, the clinical evidence sufficient for marketing the device is not always the same as that needed to support payer coverage decisions.

Payer evidentiary requirements for coverage depend on the payer. In some cases, payers may make their own independent coverage decisions. In other cases, payers may rely on Health Technology Assessments (HTAs) conducted by others, including CMS.

While some clinical evidence developed in a pivotal clinical trial undertaken to support FDA approval or clearance could support payer coverage decisions, outcome endpoints needed by payers, such as comparison to other

therapies and the associated costs of those therapies, are often not fully collected. If the sponsor subsequently learns that these data are needed for coverage determinations, even if the data exist, it may be difficult to collect and analyze retrospectively, years after the pivotal clinical study was initiated. It is similarly challenging to conduct an additional clinical trial after FDA approval or clearance designed only to meet a payer's needs. Either situation can result in delays to coverage and broad patient access, with negative implications for the public health.

Further, it may be difficult for sponsors to identify and engage with coverage organizations, and as a result, sponsors may not consider the evidentiary needs of coverage organizations when planning their pivotal clinical study.

If coverage organizations express interest, CDRH intends to create a mechanism for such organizations to identify themselves so medical device sponsors who would like to obtain coverage input can voluntarily contact them to participate in an FDA Pre-Submission meeting. CDRH intends to list interested coverage organizations on its Web site. Sponsors who voluntarily meet with coverage organizations early in the device development process may obtain the information to initially design a clinical trial that can capture both the data necessary for FDA marketing clearance or approval and that necessary to support a positive payer coverage decision, to modify their pivotal study to satisfy both sets of requirements, or to develop other plans to collect the necessary data. This may help avoid delays to patient access that may result if clinical trials are conducted, or data are collected, sequentially when it could have been done concurrently.

Sponsors are not required to include a coverage organization in any Pre-Submission meeting. Coverage organizations are not required to submit expressions of interest in order to be included in a Pre-Submission meeting. The regulatory and evidentiary standards FDA uses for decisionmaking would not change; under any review scenario, FDA would continue to make its decisions under its authority and with its own standards, independent of the coverage organization's input.

## II. Expression of Interest by Coverage Organizations

CDRH's Pre-Submission program, by providing a forum to support communication with sponsors prior to the finalization of their clinical trial design, serves as a potential tool to

facilitate sponsor communication with coverage organizations that make private coverage determinations in a manner that would promote the public health (Ref. 1). FDA is requesting that organizations that evaluate clinical evidence used to support private payer decisions for medical devices, and that may be interested in communicating to device sponsors about the evidence needed to support positive coverage determinations, send an email to [CDRH-Innovation@fda.hhs.gov](mailto:CDRH-Innovation@fda.hhs.gov) to express interest. The subject line of the email should state: "Expression of Interest in Providing Input Regarding Private Payer Coverage to Medical Device Sponsors." The body of the email should contain the organization's name, email, and mailing address. If necessary, we may follow up with organizations that respond solely to clarify their identifying information.

Additional information may also be posted on the CDRH Payer Communication Task Force Web site. For general questions or concerns, contact CDRH Innovation at the email listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

## III. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site address, but we are not responsible for any subsequent changes to the Web site address after this document publishes in the **Federal Register**.)

1. FDA Guidance, "Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff." Available at <http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM311176.pdf>.

Dated: February 18, 2016.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2016-03909 Filed 2-23-16; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request**

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

**DATES:** Comments on this ICR should be received no later than March 25, 2016.

**ADDRESSES:** Submit your comments, including the Information Collection

Request Title, to the desk officer for HRSA, either by email to [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to 202-395-5806.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call (301) 443-1984.

**SUPPLEMENTARY INFORMATION:**  
*Information Collection Request Title:* HRSA National Environmental Policy Act (NEPA) Environmental Information and Documentation (EID)

OMB No. 0915-0324—Extension  
*Abstract:* HRSA is requesting extension of the approval for the Environmental Information and Documentation (EID) checklist which consists of information that the agency is required to obtain to comply with the National Environmental Policy Act of 1969 (NEPA). NEPA establishes the federal government’s national policy for protection of the environment. HRSA has developed the EID for applicants of funding that would potentially impact the environment and to ensure that their decision-making processes are consistent with NEPA.

*Need and Proposed Use of the Information:* Applicants must provide information and assurance of compliance with NEPA on the EID checklist; this information is reviewed in the pre-award stage.

*Likely Respondents:* HRSA applicants applying for federal construction grants and cooperative agreements.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

**TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS**

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Name of instrument .....	1,350	1	1,350	1	1,350
Total .....	1,350	.....	1,350	.....	1,350

**Jackie Painter,**

*Director, Division of the Executive Secretariat.*  
[FR Doc. 2016-03875 Filed 2-23-16; 8:45 am]

**BILLING CODE 4165-15-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Biomedical Imaging and Bioengineering: Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB P41 Review (2016/05).

*Date:* March 31–April 2, 2016.

*Time:* 05:00 p.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard Baltimore Downtown/ Inner Harbor, 1000 Aliceanna Street, Baltimore, MD 21202.

*Contact Person:* Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, (301) 496-4773, [zhou@mail.nih.gov](mailto:zhou@mail.nih.gov).

*Name of Committee:* National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Loan Repayment Review Meeting.

*Date:* April 21, 2016.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Democracy II, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Dennis Hlasta, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451-4794, [dennis.hlasta@nih.gov](mailto:dennis.hlasta@nih.gov).

Dated: February 18, 2016.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03781 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Lifespan Human Connectome Project: Baby Connectome.

*Date:* March 16, 2016.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892-9606, 301-443-1606, [charlesvi@mail.nih.gov](mailto:charlesvi@mail.nih.gov).

*Name of Committee:* Improving Health and Reducing Cardiometabolic Risk in Youth with SED and Young Adults with SMI.

*Date:* March 18, 2016.

*Time:* 11:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892-9608, 301-443-1225, [aschulte@mail.nih.gov](mailto:aschulte@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health, Special Emphasis Panel; Global Mental Health Interventions (U19).

*Date:* March 22, 2016.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301-451-2356, [gavinevanskm@mail.nih.gov](mailto:gavinevanskm@mail.nih.gov).

*Name of Committee:* Multi-scale Molecular Profiling of Brains from Psychiatric Cohorts.

*Date:* March 24, 2016.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892-9606, 301-443-1606, [charlesvi@mail.nih.gov](mailto:charlesvi@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants; National Institutes of Health, HHS)

Dated: February 18, 2016.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03785 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Ancillary Studies.

*Date:* March 7, 2016.

*Time:* 2:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy

Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886 [sanoviche@mail.nih.gov](mailto:sanoviche@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Parent Studies.

*Date:* April 5, 2016.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886, [sanoviche@mail.nih.gov](mailto:sanoviche@mail.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; T2D Outcomes R01.

*Date:* April 11, 2016.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-4721, [rw175w@nih.gov](mailto:rw175w@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 18, 2016.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03780 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, NIDDK Ancillary Studies.

*Date:* March 14, 2016.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886, [sanoviche@mail.nih.gov](mailto:sanoviche@mail.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, PAR-13-305 Collaborative Interdisciplinary Team Science (R24): Beta Cell Failure.

*Date:* March 22, 2016.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-2242, [jerkinsa@nidk.nih.gov](mailto:jerkinsa@nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special, Emphasis Panel, PAR-13-305 Collaborative Interdisciplinary Team Science (R24): Skeletal, Muscle and Diabetes.

*Date:* March 28, 2016.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-2242, [jerkinsa@nidk.nih.gov](mailto:jerkinsa@nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases

Special Emphasis Panel, Ancillary Studies in GI.

*Date:* April 6, 2016.

*Time:* 10:30 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7637, [davila-bloomm@extra.nidk.nih.gov](mailto:davila-bloomm@extra.nidk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 18, 2016.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03779 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflict: Pulmonary, Cardiovascular and Musculoskeletal Epidemiology.

*Date:* March 15, 2016.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139,

MSC 7770, Bethesda, MD 20892, (301) 435-1712, [ryansj@csr.nih.gov](mailto:ryansj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflict: Drug Discovery for the Nervous System.

*Date:* March 15, 2016.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Geoffrey G Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040-A, MSC 7850, Bethesda, MD 20892, 301-435-1235, [geoffreys@csr.nih.gov](mailto:geoffreys@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, AIDS and AIDS Related Applications.

*Date:* March 17, 2016.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, Bethesda, MD 20892, 301-451-5953, [tuo@csr.nih.gov](mailto:tuo@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Small Business: Computational, Modeling, and Biodata Management.

*Date:* March 17-18, 2016.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301-379-9351, [allen.richon@nih.hhs.gov](mailto:allen.richon@nih.hhs.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Small Business PAR Panel: Safe and Effective Instruments and Devices for Use in Neonatal and Pediatric Care Settings.

*Date:* March 17, 2016.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301-435-2598, [firrell@csr.nih.gov](mailto:firrell@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Small Business: Cancer Diagnostics and Treatments (CDT).

*Date:* March 21-22, 2016.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594-2414, [huzhuang@csr.nih.gov](mailto:huzhuang@csr.nih.gov).

*Name of Committee:* Biology of Development and Aging Integrated Review Group, International and Cooperative Projects—1 Study Section.

*Date:* March 21, 2016.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Hilary D Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 594-6377, [sigmonh@csr.nih.gov](mailto:sigmonh@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Molecular and Cellular Causal Aspects of Alzheimer's Disease.

*Date:* March 21, 2016.

*Time:* 2:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Westin Grand, 2350 M Street NW., Washington, DC 20037.

*Contact Person:* Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435-1164, [custerm@csr.nih.gov](mailto:custerm@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 18, 2016.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03784 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel: Provocative Question on Microbiota and Responses to Cancer Therapies.

*Date:* March 21, 2016.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W554, Rockville, MD 20850 (Telephone Conference Call).

*Contact Person:* Christopher L. Hatch, Ph.D., Chief, Program Coordination & Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W554, Rockville, MD 20850, 240-276-6454, [ch29v@nih.gov](mailto:ch29v@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 18, 2016.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03786 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflict: Corneal and Retinal Biopathologies.

*Date:* March 3, 2016.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Samuel C Edwards, Ph.D., IRG CHIEF, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435-1246, [edwardss@csr.nih.gov](mailto:edwardss@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflict: Blood Formation.

*Date:* March 3, 2016.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301-435-0952, [espinozala@mail.nih.gov](mailto:espinozala@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflict: Cancer Immunopathology and Immunotherapy.

*Date:* March 8, 2016.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Sharon K Gubanich, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6195D, MSC 7804, Bethesda, MD 20892, (301) 408-9512, [gubanics@csr.nih.gov](mailto:gubanics@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 18, 2016.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03783 Filed 2-23-16; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel, Cystic Fibrosis Transmembrane Conductance Regulator—Directed Therapeutics.

*Date:* March 16, 2016.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301-435-0725, [kristen.page@nih.gov](mailto:kristen.page@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 18, 2016.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2016-03782 Filed 2-23-16; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2016-0082]

#### Merchant Marine Personnel Advisory Committee

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of Federal Advisory Committee Meeting.

**SUMMARY:** The Merchant Marine Personnel Advisory Committee and its working groups will meet to discuss various issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

**DATES:** The Merchant Marine Personnel Advisory Committee and its working groups are scheduled to meet on March 16, 2016, from 8 a.m. until 5:30 p.m., and the full Committee is scheduled to meet on March 17, 2016, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

**ADDRESSES:** The meetings will be held at Crowley Maritime Corporation, 1st Floor Conference Room, 9487 Regency Square Blvd., Jacksonville, FL 32225-8183 (<http://www.crowley.com>). For further information about the meeting facilities, please contact Ms. Becky Kelly at (904) 727-4213. Please be advised that all attendees are required to check-in to the visitor's booth located to the right of the main building entrance. All attendees will be required to provide government-issued picture identification in order to gain admittance to the building. For planning purposes, please notify the Merchant Marine Personnel Advisory Committee Alternate Designated Federal Officer of your attendance as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Committee as listed in the "Agenda" section below. Written comments for distribution to Committee members must be submitted no later than March 9, 2016, if you want the Committee members to be able to review your comments before the meeting, and must be identified by docket number USCG-2016-0082. Written comments may be submitted using the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the Alternate Designated Federal Officer for alternate instructions.

**Instructions:** All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>,

including any personal information provided. You may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

**Docket:** For access to the docket to read documents or comments related to this notice, go to <http://www.regulations.gov>, type USCG-2016-0082 in the Search box, press Enter, and then click on the item you wish to view.

**FOR FURTHER INFORMATION CONTACT:** Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593-7509, telephone 202-372-1445, fax 202-372-8382, or [Davis.J.Breyer@uscg.mil](mailto:Davis.J.Breyer@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act, (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant; shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

#### Agenda

##### Day 1

The agenda for the March 16, 2016 meeting is as follows:

(1) The full Committee will meet briefly to discuss the working groups' business/task statements, which are listed under paragraph 3(a)-(i) below.



(2) Public comment period.

(3) Working groups will separately address the following task statements which are available for viewing at <http://homeport.uscg.mil/merpac>:

(a) Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications;

(b) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(c) Task Statement 81, Development of Competency Requirements for vessel personnel working Within the Polar Regions;

(d) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping and Changes to National Endorsements rulemaking;

(e) Task Statement 88, Mariner occupational health risk study analysis to further develop policy guidance on mariner fitness; and

(f) Task Statement 89, Review and update of the International Maritime Organization's Maritime Safety Committee Circular MSC/Circ.1014, "Guidelines on Fatigue Mitigation and Management";

(g) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee; and

(h) Task Statement 91, Merchant Mariner Credential Expiration Harmonization.

(4) Reports of working groups. At the end of the day, the working groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these working group meetings will be taken on day 2 of the meeting.

(5) Public comment period

(6) Adjournment of meeting.

#### Day 2

The agenda for the March 17, 2016, full Committee meeting is as follows:

(1) Introduction;

(2) Swear in newly appointed Committee members;

(3) Remarks from Coast Guard Leadership;

(4) Designated Federal Officer announcements;

(5) Roll call of Committee members and determination of a quorum;

(6) Reports from the following working groups;

(a) Task Statement 30, Utilizing military education, training and assessment for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and U.S. Coast Guard Certifications;

(b) Task Statement 58, Communication between external stakeholders and the mariner credentialing program, as it relates to the National Maritime Center;

(c) Task Statement 81, Development of competency requirements for vessel personnel working within the Polar Regions;

(d) Task Statement 84, Correction of merchant mariner credentials issued with clear errors; and

(e) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping and Changes to National Endorsements rulemaking.

(f) Task Statement 88, Mariner occupational health risk study analysis to further develop policy guidance on mariner fitness

(g) Task Statement 89, Review and update of International Maritime Organization's Maritime Safety Committee Circular MSC/Circ.1014, "Guidelines on Fatigue Mitigation and Management";

(h) Task Statement 90, Review of IMO Model Courses Being Validated by the IMO HTW Subcommittee; and

(i) Task Statement 91, Merchant Mariner Credential Expiration Harmonization.

(6) Other items for discussion:

(a) Report on the Implementation of the 2010 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping;

(b) Report on National Maritime Center activities from the National Maritime Center Commanding Officer, such as the net processing time it takes for mariners to receive their credentials after application submittal;

(c) Report on Mariner Credentialing Program Policy Division activities, such as its current initiatives and projects;

(d) Report on International Maritime Organization/International Labor Organization issues related to the merchant marine industry; and

(e) Briefings about on-going Coast Guard projects related to personnel in the U.S. merchant marine.

(7) New Business

(a) New task statement—"The Review of Merchant Marine Personnel Advisory Committee Recommendations";

(b) New task statement—"Electronic Chart Systems Training Requirements"; and

(c) New task statement—"Color Vision Critical Duties/Tasks for Mariners Required to Meet the Standards of 46 CFR 10.305(a) and 10.305(b)".

(8) Public comment period.

(9) Discussion of working group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the working groups and approve/formulate recommendations for the Department's consideration. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

A public comment period will be held during each Working Group and full Committee meeting concerning matters being discussed.

Public comments will be limited to 3 minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact Mr. Davis Breyer, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker.

Dated: February 19, 2016.

**J. G. Lantz,**

*Director of Commercial Regulations and Standards, United States Coast Guard.*

[FR Doc. 2016-03816 Filed 2-23-16; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2014-0022]

#### Technical Mapping Advisory Council Meeting

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Committee management; notice of federal advisory committee meeting.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet via conference call on March 10 and 11, 2016. The meeting will be open to the public.

**DATES:** The TMAC will meet via conference call on Thursday, March 10, 2016, from 10 a.m. to 5 p.m. Eastern Standard Time (EST), and on Friday, March 11, 2016, from 10 a.m. to 5 p.m. EST. Please note that the meeting will

close early if the TMAC has completed its business.

**ADDRESSES:** For information on how to access to the conference call, information on services for individuals with disabilities, or to request special assistance for the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible. Members of the public who wish to dial in for the meeting must register in advance by sending an email to [FEMA-TMAC@fema.dhs.gov](mailto:FEMA-TMAC@fema.dhs.gov) (attention Kathleen Boyer) by 11 a.m. EST on Tuesday, March 8, 2016.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. The Agenda and other associated material will be available for review at [www.fema.gov/TMAC](http://www.fema.gov/TMAC) by Friday, March 4, 2016. Written comments to be considered by the committee at the time of the meeting must be received by Tuesday, March 6, 2016, identified by Docket ID FEMA-2014-0022, and submitted by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** Address the email TO: [FEMA-RULES@fema.dhs.gov](mailto:FEMA-RULES@fema.dhs.gov) and CC: [FEMA-TMAC@fema.dhs.gov](mailto:FEMA-TMAC@fema.dhs.gov). Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- **Mail:** Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472-3100.

**Instructions:** All submissions received must include the words "Federal Emergency Management Agency" and 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 docket access to read background documents or comments received by the TMAC, go to <http://www.regulations.gov> and search for the Docket ID FEMA-2014-0022.

A public comment period will be held on March 10, 2016, from 11-11:20 a.m. and March 11, 2016, from 11-11:20 a.m. EST. Speakers are requested to limit their comments to no more than two minutes. Each public comment period will not exceed 20 minutes. Please note that the public comment periods may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Tuesday, March 8, 2016.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Boyer, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street, Arlington, VA 22202, telephone (202) 646-4023, and email [kathleen.boyer@fema.dhs.gov](mailto:kathleen.boyer@fema.dhs.gov). The TMAC Web site is: <http://www.fema.gov/TMAC>.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the Biggert-Waters Flood Insurance Reform Act of 2012, the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5)(a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an Annual Report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Further, in accordance with the Homeowner Flood Insurance Affordability Act of 2014, the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

**Agenda:** On March 10, 2016, the TMAC will continue to review and discuss the FEMA Flood Mapping Program description as they develop content for the 2016 Technical Review Report that will evaluate the program description. On March 11, 2016, the TMAC will receive updates, presentations, and discuss potential topics and recommendations to be included in the required 2016 TMAC

annual report. A brief public comment period will take place at the beginning of the meeting each day. A more detailed agenda will be posted by March 4, 2016, at <http://www.fema.gov/TMAC>.

Dated: February 17, 2016.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Federal Emergency Management Agency.*

[FR Doc. 2016-03882 Filed 2-23-16; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2015-0021; OMB No. 1660-0009]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request; The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

**DATES:** Comments must be submitted on or before March 25, 2016.

**ADDRESSES:** Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to [oir.submission@omb.eop.gov](mailto:oir.submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Director, Records

Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** This proposed information collection previously published in the **Federal Register** on December 4, 2015 at 80 FR 75870 with a 60 day public comment period. FEMA received one comment requesting a copy of the proposed information collection. FEMA responded to the comment and provided the most up-to-date copy of the proposed information collection to the requester. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

### Collection of Information

*Title:* The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments.

*Type of information collection:* Revision of a currently approved information collection.

*OMB Number:* 1660–0009.

*Form Titles and Numbers:* FEMA Form 010–0–13, Request for Presidential Disaster Declaration Major Disaster or Emergency.

*Abstract:* When a disaster occurs, the Governor of the State or the Chief Executive of an affected Indian tribal government, may request a major disaster declaration or an emergency declaration. The Governor or Chief Executive should submit the request to the President through the appropriate Regional Administrator to ensure prompt acknowledgement and processing. The information obtained by joint Federal, State, and local preliminary damage assessments will be analyzed by FEMA regional senior level staff. The regional summary and the regional analysis and recommendation will include a discussion of State and local resources and capabilities, and other assistance available to meet the disaster related needs. The Administrator of FEMA provides a recommendation to the President and also provides a copy of the Governor's or Chief Executive's request. In the event the information required by law is not contained in the request, the Governor's or Chief Executive's request cannot be processed and forwarded to the White House. In the event the Governor's request for a major disaster declaration or an emergency declaration

is not granted, the Governor or Chief Executive may appeal the decision.

*Affected Public:* State, local or Tribal Government.

*Estimated Number of Respondents:* 623.

*Estimated Total Annual Burden Hours:* 11,748.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is \$527,976.48. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is \$3,934,673.24.

Dated: February 17, 2016.

**Richard W. Mattison,**

*Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2016–03885 Filed 2–23–16; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5909–N–06]

### 30-Day Notice of Proposed Information Collection: Manufactured Housing Survey

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** *Comments Due Date:* March 25, 2016.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by

calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 2, 2015 at 80 FR 59810.

### A. Overview of Information Collection

*Title of Information Collection:* Manufactured Housing Survey.

*OMB Approval Number:* 2528–0029.

*Type of Request:* Revision of currently approved collection.

*Form Number:* C–MH–9A.

*Description of the need for the information and proposed use:* The Manufactured Housing Survey collects data on new manufactured homes that are sold or leased for residential use. The survey tracks shipments of manufactured homes to dealers and the sales price and characteristics of sampled units. Beginning in fiscal year 2015, dealers are contacted once to obtain sales price and characteristics of the unit. If the unit has been placed by the time Census contacts the dealer, additional placement data are collected. Other selected housing characteristics collected include size, location, and titling. HUD uses the statistics to respond to a Congressional mandate in the Housing and Community Development Act of 1980, 42 U.S.C. 5424 note, which requires HUD to collect and report manufactured home sales and price information for the nation, census regions, states, and selected metropolitan areas and to monitor whether new manufactured homes are being placed on owned rather than rented lots. HUD also uses these data to monitor total housing production and its affordability. Furthermore, the Manufactured Housing Survey serves as the basis for HUD's mandated indexing of loan limits. Section 2145 (b) of the Housing and Economic Recovery Act (HERA) of 2008 requires HUD to develop a method of indexing to annually adjust Title I manufactured home loan limits. This index is based on manufactured housing price data collected by this survey. Section 2145 of the HERA of 2008 also amends the maximum loan limits for manufactured home loans insured under Title I. HUD implemented the revised loan limits, as shown below, for all manufactured home loans for which

applications are received on or after March 3, 2009.

*Respondents (i.e. affected public):* Business firms or other for-profit institutions.

*Estimated Number of Respondents:* 4,860.

*Estimated Number of Responses:* 4,860.

*Frequency of Response:* Once.  
*Average Hours per Response:* .20 minutes.

*Total Estimated Burdens:* 1,620.  
*Hourly Cost Per Response:* \$0.

*Estimated Total Annual Cost:* The only cost to respondents is their time. The annual cost of the survey is \$404,000.

*Respondent's Obligation:* Voluntary.  
*Legal Authority:* Title 42 U.S.C. 5424 note, Title 13 U.S.C. Section 8(b), and Title 12, U.S.C., Section 1701z-1.

Loan type	Purpose	Old loan limit	New loan limit
MANUFACTURED HOME IMPROVEMENT LOAN .....	For financing alterations, repairs and improvements upon or in connection with existing manufactured homes.	\$17,500	\$25,090
MANUFACTURED HOME UNIT(S) .....	To purchase or refinance a Manufactured Home unit (s).	48,600	69,678
LOT LOAN .....	To purchase and develop a lot on which to place a manufactured home unit.	16,200	23,226
COMBINATION LOAN FOR LOT AND HOME .....	To purchase or refinance a manufactured home and lot on which to place the home.	64,800	92,904

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 19, 2016.

**Colette Pollard,**

*Department Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 2016-03912 Filed 2-23-16; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5909-N-07]

**30-Day Notice of Proposed Information Collection: Previous Participation Certification**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** *Comments Due Date:* March 25, 2016.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806. Email: *OIRA\_Submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:**

Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Colette.Pollard@hud.gov* or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 17, 2015 at 80 FR 71818.

**A. Overview of Information Collection**

*Title of Information Collection:* Previous Participation Certification.

*OMB Approval Number:* 2502-0118.

*Type of Request:* Revision of currently approved collection.

*Form Number:* HUD Form 2530.

*Description of the need for the information and proposed use:* The HUD-2530 process provides review and clearance for participants in HUD's multifamily insured and non-insured projects. The information collected (participants' previous participation record) is reviewed to determine if they have carried out their past financial, legal, and administrative obligations in a satisfactory and timely manner. The HUD-2530 process requires a principal to certify to their prior participation in multifamily projects, and to disclose other information which could affect the approval for the proposed participation.

*Respondents (i.e. affected public):* Multifamily project participants such as owners, managers, developers, consultants, general contractors, and nursing home owners and operators.

*Estimated Number of Respondents:* 9,900.

*Estimated Number of Responses:* 9,900.

*Frequency of Response:* 1.

*Average Hours per Response:* Three hours for paper 2530 and 1 hour for electronic 2530.

*Total Estimated Burdens:* 17,900.

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 18, 2016.

**Colette Pollard,**

*Department Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 2016-03913 Filed 2-23-16; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5909-N-09]

### 30-Day Notice of Proposed Information Collection: Public Housing Agency (PHA) 5-Year and Annual Plan

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** *Comments Due Date:* March 25, 2016.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington,

DC 20503; fax: 202-395-5806. Email: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov)

#### FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 18, 2015 at 80 FR 72097.

#### A. Overview of Information Collection

*Title of Information Collection:* Public Housing Agency (PHA) 5-Year and Annual Plan.

*OMB Approval Number:* 2577-0226.

*Type of Request:* Revision of currently approved collection.

*Form Number:* HUD-50075-5Y, HUD-50075-ST, HUD-50075-SM, HUD-50075-HCV, HUD-50075-HP, HUD-50077-CR, HUD-50077-SL, HUD-50077-CRT-SM, HUD-50077-ST-HCV-HP, HUD-50070, HUD-50071.

*Description of the need for the information and proposed use:* The Public Housing Agency (PHA) Plan was created by section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1). There are two different PHA Plans: the Five-Year Plan and the Annual Plan. The Five-Year Plan describes the agency's mission and long-range goals and objectives for achieving its mission over a five-year period, and their approach to managing programs and providing services for the upcoming year. The Annual PHA Plan is a comprehensive guide to PHA policies, programs, operations, and strategies for meeting local housing needs and goals.

The PHA Plans inform HUD, residents, and the public of the PHA's mission for serving the needs of low, very low-income, and extremely low-income families and its strategy for addressing those needs. This information helps provide accountability to the local community for how PHAs spend their funding and implement their policies. Also, PHA

plans allow HUD to monitor the performance of programs and the performance of public housing agencies that administer them.

HUD's most recent action in October 2015 was to post a version of this collection which OMB approved as a full revision incorporating public comments in 2013, and with minor changes in late 2014. Public commenters urged HUD to return to earlier multiple versions of PHA Plan templates by specific PHA type instead of a "One-Size Fits All" form. With this current proposed information collection, HUD intends to further modify the HUD-50075-5Y, HUD-50075-ST, HUD-50075-SM, HUD-50075-HCV, HUD-50075-HP templates and HUD-50077 Civil Rights, PHA Plan, Related Regulations, and Consistency with State/local Consolidated Plan certifications in the following manner as needed without a major overhaul as was done for the 2013 approval: (1) Additional instructions will be provided to PHA's planning to convert all ACC units to Project-Based Assistance under RAD resulting in the removal of all ACC units from the PHAs public housing inventory. These PHA's will be required to provide a plan for disposition of remaining public housing property, (2) Incorporating mandatory RAD information into the existing PHA Plan templates to improve, streamline, and provide clarity to the RAD significant amendment process, (3) Modify all forms as needed to reference or otherwise address the new requirements of the Affirmatively Furthering Fair Housing (AFFH) Rule published July 16, 2015, (4) Re-introduce as a submission requirement "Challenged Elements," (5) Remove obsolete references to OMB circulars that were replaced by OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR 200, (6) Expand the Civil Rights certification to include equal access to all housing regardless of LGBT and marital status and prohibit inquiries made of applications or occupants concerning sexual orientation or gender identification and, (7) Replacing the 50077 form with customized versions to align with streamlined requirements of 24 CFR 903.

Finally, due to the de-coupling of Capital Fund Program activities from PHA Plan submissions, the HUD-50075.1 and HUD-50075.2 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Action Plan forms and associated burden hours (10,070) will be removed from the approval for the PHA Plan under OMB no. 2577-0226 and added to the

approval for the Capital Fund Program under OMB no. 2577-0157.

*Respondents (i.e. affected public):* Local, Regional and State Body Corporate Politic Public Housing Agencies (PHAs) Governments.

*Estimated Number of Respondents:* 3,819.

*Estimated Number of Responses:* 3,819 (Annual Plan: 913 and 5 Year Plan: 3,819).

*Frequency of Response:* Every five years for all PHAs, annually for all PHAs except HERA Qualified PHAs.

*Average Hours per Response:* 7.63 weighted average.

*Total Estimated Burdens:* 14,937.

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 18, 2016.

**Colette Pollard,**

*Department Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 2016-03920 Filed 2-23-16; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5909-N-08]

### 30-Day Notice of Proposed Information Collection: Public Housing Capital Fund Program

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD has submitted the proposed information collection

requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** *Comments Due Date:* March 25, 2016.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806. Email: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 18, 2015 at 80 FR 72096.

## A. Overview of Information Collection

*Title of Information Collection:* Public Housing Capital Fund Program.

*OMB Approval Number:* 2577-0157.

*Type of Request:* Revision of currently approved collection.

*Form Number:* : HUD Form 50075.1—Annual Statement/Performance and Evaluation Report and HUD-50075.2—Capital Fund Program Five-Year Action Plan, HUD-5084, HUD-5087, HUD-51000, HUD-51001, HUD-51002, HUD-51003, HUD-51004, HUD-51915, HUD-51915-A, HUD-51971-I-II, HUD-52396, HUD-52427, HUD-52482, HUD-52483-A, HUD-52484, HUD-52485, HUD-52651-A, HUD-52829, HUD-52830, HUD-52833, HUD-52845, HUD-52846, HUD-52847, HUD-52849, HUD-53001, HUD-53015, HUD-5370, HUD-5370EZ, HUD-5370C, HUD-5372, HUD-5378, HUD-5460, HUD-52828, 50071, 5370-C1, 5370-C2.

*Description of the need for the information and proposed use:* The Public Housing Capital Fund Program Final Rule (24 CFR 905) was published in the **Federal Register** October 24, 2013 (Docket No. 5236-F-02) and was effective on November 25, 2013. The new Capital, Fund Rule de-coupled the capital funding annual performance and evaluation reports (HUD form 50775.1) and 5-Year Action Plan (HUD Form 50075.2) submissions that were formerly combined with the PHA Plan submissions. The HUD-50075.1 and HUD-50075.2 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Action Plan forms and associated burden hours (10,070) are being removed from the approval for the PHA Plan under OMB no. 2577-0226 and added to the approval for the Capital Fund Program under OMB no. 2577-0157. The revision to PHA Plan information collection, OMB No. 2577-0226, is being submitted concurrently with this submission. HUD is in the process of moving to an electronic submission of the information collected with forms HUD-50075.1 and HUD-50075.2 under the Activity Planning Module of the Energy and Performance Information Center (EPIC) System. HUD began beta testing of the Activity Planning Module in EPIC in August of 2015. Once beta testing is complete, HUD will begin roll out of the submission of the HUD-50075.1 and HUD-50075.2 data to EPIC in lieu of using the paper forms for submission. The hours for the electronic collection of that information will then be moved from Capital Fund Information Collection, OMB No. 2577-0157 to the EPIC Information Collection—OMB No. 2577-0274.

*Respondents (i.e. affected public):* Members of Affected Public: State, Local or Local Government and Non-profit organization.

*Estimated Number of Respondents:* 3,100.

*Estimated Number of Responses:* 79,044 annual responses.

*Frequency of Response:* 1.

*Average Hours per Response:* 3.49.

*Total Estimated Burdens:* 275,537 hours.

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: February 18, 2016.

**Colette Pollard,**

*Department Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 2016-03919 Filed 2-23-16; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R7-SM-2016-N033;  
FXRS12610700000-156-FF07J00000;  
FBMS#4500089778]**

**Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Federal Subsistence Regulations and Associated Forms**

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

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

**SUMMARY:** We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on February 29, 2016. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

**DATES:** You must submit comments on or before March 25, 2016.

**ADDRESSES:** Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-5806 (fax) or *OIRA\_*

*Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail), or *hope\_grey@fws.gov* (email). Please include "1018-0075" in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Hope Grey at *hope\_grey@fws.gov* (email) or 703-358-2482 (telephone). You may review the ICR online at *http://www.reginfo.gov*. Follow the instructions to review Department of the Interior collections under review by OMB.

**SUPPLEMENTARY INFORMATION:**

**Information Collection Request**

*OMB Control Number:* 1018-0075.

*Title:* Federal Subsistence Regulations and Associated Forms, 50 CFR 100 and 36 CFR 242.

*Service Form Number:* FWS Forms 3-2321, 3-2322, 3-2323, 3-2326, 3-2327, 3-2328, 3-2378, and 3-2379.

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

*Description of Respondents:* Individuals; private sector; and State, local, and tribal governments. Most respondents are individuals who are federally defined rural residents in Alaska.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

Form/activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours <sup>1</sup>
3-2321—Membership Application .....	76	76	2 hours .....	152
3-2322—Applicant Interview .....	76	76	30 minutes .....	38
3-2323—Reference/Contact Interview .....	189	189	15 minutes .....	47
3-2326—Hunt Application and Permit .....	11,141	11,141	10 minutes .....	1,857
3-2326—Hunt Report .....	11,141	11,141	5 minutes .....	928
3-2327—Designated Hunter Application and Permit .....	701	701	10 minutes .....	117
3-2327—Designated Hunter—Hunt Report .....	701	701	5 minutes .....	58
3-2328—Fishing Application and Permit .....	2,136	2,136	10 minutes .....	356
3-2328—Fishing Report .....	2,136	2,136	5 minutes .....	178
3-2378—Designated Fishing Application and Permit .....	58	58	10 minutes .....	10
3-2378—Designated Fishing Report .....	58	58	5 minutes .....	5
3-2379—Customary Trade Recordkeeping Application and Permit .....	18	18	10 minutes .....	3
3-2379—Customary Trade Recordkeeping—Report .....	18	18	5 minutes .....	2
Petition to Repeal .....	1	1	2 hours .....	2
Proposed Changes .....	70	70	30 minutes .....	35
Special Actions Request .....	17	17	30 minutes .....	9
Request for Reconsideration (Appeal) .....	741	741	4 hours .....	2,964
Traditional/Cultural/Educational Permits and Reports .....	5	5	30 minutes .....	3
Fishwheel, Fyke Net, and Under-Ice Permits and Reports .....	7	7	15 minutes .....	2
<b>Totals .....</b>	<b>29,290</b>	<b>29,290</b>	<b>.....</b>	<b>6,766</b>

<sup>1</sup> Rounded.

*Estimated Annual Nonhour Burden Cost:* None.

*Abstract:* The Alaska National Interest Lands Conservation Act (ANILCA) and

regulations in the Code of Federal Regulations (CFR) at 50 CFR part 100

and 36 CFR part 242 require that persons engaged in taking fish, shellfish, and wildlife on public lands in Alaska for subsistence uses must apply for and obtain a permit to do so and comply with reporting provisions of that permit. We use the following forms to collect information from qualified rural residents for subsistence harvest:

(1) FWS Form 3-2326 (Federal Subsistence Hunt Application, Permit, and Report).

(2) FWS Form 3-2327 (Designated Hunter Permit Application, Permit, and Report).

(3) FWS Form 3-2328 (Federal Subsistence Fishing Application, Permit, and Report).

(4) FWS Form 3-2378 (Designated Fishing Permit Application, Permit, and Report).

(5) FWS Form 3-2379 (Federal Subsistence Customary Trade Recordkeeping Form).

We use the information collected to evaluate:

- Eligibility of applicant.
- Subsistence harvest success.
- Effectiveness of season lengths, harvest quotas, and harvest restrictions.
- Hunting patterns and practices.
- Hunter use.

The Federal Subsistence Board uses the harvest data, along with other information, to set future season dates and harvest limits for Federal subsistence resource users. These seasons and harvest limits are set to meet the needs of subsistence users without adversely impacting the health of existing animal populations.

Also included in this ICR are three forms associated with recruitment and selection of members for regional advisory councils.

(1) FWS Form 3-2321 (Federal Subsistence Regional Advisory Council Membership Application/Nomination).

(2) FWS Form 3-2322 (Regional Advisory Council Candidate Interview).

(3) FWS Form 3-2323 (Regional Advisory Council Reference/Key Contact Interview).

The member selection process begins with the information that we collect on the application. Ten interagency review panels interview all applicants and nominees, their references, and regional key contacts. These contacts are all based on the information that the applicant provides on the application form. The information that we collect through the application form and subsequent interviews is the basis of the Federal Subsistence Board's recommendations to the Secretaries of the Interior and Agriculture for appointment and reappointment of council members.

In addition to the above forms, regulations at 50 CFR part 100 and 36 CFR part 242 contain requirements for the collection of information. We collect nonform information on:

(1) Repeal of Federal subsistence rules and regulations (50 CFR 100.14 and 36 CFR 242.14).

(2) Proposed changes to Federal subsistence regulations (50 CFR 100.18 and 36 CFR 242.18).

(3) Special action requests (50 CFR 100.19 and 36 CFR 242.19).

(4) Requests for reconsideration (50 CFR 100.20 and 36 CFR 242.20).

(5) Requests for permits and reports, such as traditional religious/cultural/educational permits, fishwheel permits, fyke net permits, and under-ice permits (50 CFR 100.25-27 and 36 CFR 242.25-27).

#### Comments Received and Our Responses

*Comments:* On October 15, 2015, we published in the **Federal Register** (80 FR 62091) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on December 14, 2015. We did not receive any comments in response to that notice.

#### Request for Public Comments

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB and us in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: February 19, 2016.

**Tina A. Campbell,**

*Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.*

[FR Doc. 2016-03819 Filed 2-23-16; 8:45 am]

**BILLING CODE 4333-15-P**

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Advisory; Committee on Rules of Appellate Procedure

**AGENCY:** Advisory Committee on Rules of Appellate Procedure, Judicial Conference of the United States.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Appellate Procedure will hold a meeting on April 5, 2016, which will continue the morning of April 6, 2016, if necessary. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

**DATES:** April 5-6, 2016.

*Time:* 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** Colorado Supreme Court, 2 East 14th Avenue, Conference Room C4244, Denver, CO 80203.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: February 17, 2016.

**Rebecca A. Womeldorf,**

*Rules Committee Secretary.*

[FR Doc. 2016-03865 Filed 2-23-16; 8:45 am]

**BILLING CODE 2210-55-P**

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. DEA-392]

#### Bulk Manufacturer of Controlled Substances Application: Cayman Chemical Company

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in



accordance with 21 CFR 1301.33(a) on or before April 25, 2016.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (“Deputy Assistant Administrator”) pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on August 24, 2015, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
3-Fluoro-N-methylcathinone (3-FMC) (1233).	I
Cathinone (1235) .....	I
Methcathinone (1237) .....	I
4-Fluoro-N-methylcathinone (4-FMC) (1238).	I
Pentedrone (α-methylaminovalerophenone) (1246).	I
Mephedrone (4-Methyl-N-methylcathinone) (1248).	I
4-Methyl-N-ethylcathinone (4-MEC) (1249).	I
Naphyrone (1258) .....	I
N-Ethylamphetamine (1475) .....	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585) .....	I
4-Methylaminorex (cis isomer) (1590).	I
Gamma Hydroxybutyric Acid (2010).	I
Methaqualone (2565) .....	I
Mecloqualone (2572) .....	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole) (6250).	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole) (7008).	I

Controlled substance	Schedule	Controlled substance	Schedule
5-Flouro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (7011).	I	2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2) (7385).	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) (7012).	I	3,4,5-Trimethoxyamphetamine (7390).	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) (7019).	I	4-Bromo-2,5-dimethoxyamphetamine (7391).	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7023).	I	4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (7024).	I	4-Methyl-2,5-dimethoxyamphetamine (7395).	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide) (7031).	I	2,5-Dimethoxyamphetamine (7396).	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7035).	I	JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole) (7398).	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (7048).	I	2,5-Dimethoxy-4-ethylamphetamine (7399).	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl)indole) (7081).	I	3,4-Methylenedioxyamphetamine (7400).	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)benzoyl]indole) (7104).	I	5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118).	I	N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole) (7122).	I	3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (7144).	I	3,4-Methylenedioxy-methamphetamine (7405).	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole) (7173).	I	4-Methoxyamphetamine (7411) ...	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole) (7200).	I	5-Methoxy-N,N-dimethyltryptamine (7431).	I
AM-2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl)indole) (7201).	I	Alpha-methyltryptamine (7432) ....	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole) (7203).	I	Diethyltryptamine (7434) .....	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (7222).	I	Dimethyltryptamine (7435) .....	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) (7225).	I	Psilocybin (7437) .....	I
Alpha-ethyltryptamine (7249) .....	I	Psilocyn (7438) .....	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol] (7297).	I	5-Methoxy-N,N-diisopropyltryptamine (7439).	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol] (7298).	I	N-Benzylpiperazine (7493) .....	I
Lysergic acid diethylamide (7315)	I	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) (7508).	I
2,5-Dimethoxy-4-(n-propylthiophenethylamine) (2C-T-7) (7348).	I	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) (7509).	I
Marihuana (7360) .....	I	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) (7517).	I
Tetrahydrocannabinols (7370) .....	I	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) (7518).	I
Mescaline (7381) .....	I	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) (7519).	I
		2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) (7521).	I
		2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (2C-P) (7524).	I
		2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4) (7532).	I
		MDPV (3,4-Methylenedioxypropylvalerone) (7535).	I
		2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe) (7536).	I

Controlled substance	Schedule
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe) (7537).	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe) (7538).	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540).	I
Butylone (7541) .....	I
Pentylone (7542) .....	I
alpha-pyrrolidinopentiophenone (α-PVP) (7545).	I
alpha-pyrrolidinobutiophenone (α-PBP) (7546).	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole) (7694).	I
Acetyldihydrocodeine (9051) .....	I
Benzylmorphine (9052) .....	I
Codeine-N-oxide (9053) .....	I
Desomorphine (9055) .....	I
Dihydromorphine (9145) .....	I
Heroin (9200) .....	I
Morphine-N-oxide (9307) .....	I
Normorphine (9313) .....	I
Tilidine (9750) .....	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) (9821).	I
Amphetamine (1100) .....	II
Methamphetamine (1105) .....	II
Lisdexamfetamine (1205) .....	II
Methylphenidate (1724) .....	II
Amobarbital (2125) .....	II
Pentobarbital (2270) .....	II
Secobarbital (2315) .....	II
Phencyclidine (7471) .....	II
Phenylacetone (8501) .....	II
Cocaine (9041) .....	II
Codeine (9050) .....	II
Dihydrocodeine (9120) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Ecgonine (9180) .....	II
Ethylmorphine (9190) .....	II
Hydrocodone (9193) .....	II
Levomethorphan (9210) .....	II
Levorphanol (9220) .....	II
Meperidine (9230) .....	II
Meperidine intermediate-B (9233) .....	II
Methadone (9250) .....	II
Dextropropoxyphene, bulk (non-dosage forms) (9273) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II
Oxymorphone (9652) .....	II
Sufentanil (9740) .....	II
Tapentadol (9780) .....	II
Fentanyl (9801) .....	II

The company plans to manufacture reference standards for distribution to their research and forensics customers.

In reference to drug codes 7360 (marihuana) and 7370 (tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Dated: February 16, 2016.  
**Louis J. Milione,**  
*Deputy Assistant Administrator.*  
 [FR Doc. 2016-03854 Filed 2-23-16; 8:45 am]  
**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-392]

**Bulk Manufacturer of Controlled Substances Application: Janssen Pharmaceutical, Inc.**

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before April 25, 2016

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (“Deputy Assistant Administrator”) pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 12, 2015, Janssen Pharmaceutical, Inc., 1440 Olympic Drive, Athens, Georgia 30601 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Methylphenidate (1724) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Hydrocodone (9193) .....	II
Oripavine (9330) .....	II
Thebaine (9333) .....	II
Oxymorphone (9652) .....	II

Controlled substance	Schedule
Tapentadol (9780) .....	II
Fentanyl (9801) .....	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers.

Dated: February 16, 2016.

**Louis J. Milione,**  
*Deputy Assistant Administrator.*  
 [FR Doc. 2016-03852 Filed 2-23-16; 8:45 am]  
**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-392]

**Manufacturer of Controlled Substances Registration: Cedarburg Pharmaceuticals, Inc.**

**ACTION:** Notice of registration.

**SUMMARY:** Cedarburg Pharmaceuticals, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cedarburg Pharmaceuticals, Inc. registration as a manufacturer of those controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated September 16, 2015, and published in the **Federal Register** on September 23, 2015, 80 FR 57390, Cedarburg Pharmaceuticals, Inc., 870 Badger Circle, Grafton, Wisconsin 53024 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cedarburg Pharmaceuticals, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company’s maintenance of effective controls against diversion by inspecting and testing the company’s physical security systems, verifying the company’s compliance with state and local laws, and reviewing the company’s background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360) .....	I
Tetrahydrocannabinols (7370) .....	I
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333) .....	II
Remifentanyl (9739) .....	II
Fentanyl (9801) .....	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug code 7360, marihuana, the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic tetrahydrocannabinols (7370). No other activity for this drug code is authorized for this registration.

Dated: February 16, 2016.

**Louis J. Milione,**

*Deputy Assistant Administrator.*

[FR Doc. 2016-03853 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-392]

**Manufacturer of Controlled Substances Registration: Chemtos, LLC**

**ACTION:** Notice of registration.

**SUMMARY:** Chemtos, LLC applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Chemtos, LLC registration as a manufacturer of those controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated September 16, 2015, and published in the **Federal Register** on September 23, 2015, 80 FR 57389, Chemtos, LLC, 14101 W. Highway 290, Building 2000B, Austin, Texas 78737-9331 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Chemtos, LLC to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's

physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360) .....	I
Amphetamine (1100) .....	II
Methamphetamine (1105) .....	II
Lisdexamfetamine (1205) .....	II
Methylphenidate (1724) .....	II
Nabilone (7379) .....	II
Phenylacetone (8501) .....	II
Cocaine (9041) .....	II
Codeine (9050) .....	II
Etorphine HCl (9059) .....	II
Dihydrocodeine (9120) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Ecgonine (9180) .....	II
Ethylmorphine (9190) .....	II
Hydrocodone (9193) .....	II
Levomethorphan (9210) .....	II
Levorphanol (9220) .....	II
Isomethadone (9226) .....	II
Meperidine (9230) .....	II
Meperidine intermediate-A (9232) .....	II
Meperidine intermediate-B (9233) .....	II
Meperidine intermediate-C (9234) .....	II
Methadone (9250) .....	II
Methadone intermediate (9254) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II
Dihydroetorphine (9334) .....	II
Levo-alphaacetylmethadol (9648) .....	II
Oxymorphone (9652) .....	II
Racemethorphan (9732) .....	II
Racemorphan (9733) .....	II

The company plans to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers for use as reference standards.

Dated: February 16, 2016.

**Louis J. Milione,**

*Deputy Assistant Administrator.*

[FR Doc. 2016-03856 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-392]

**Bulk Manufacturer of Controlled Substances Application: Insys Therapeutics, Inc.**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA).

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before April 25, 2016.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: **DEA Federal Register Representative/ODW**, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated her authority under the Controlled Substances Act to the DEA, 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control ("Deputy Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 12, 2015, Insys Therapeutics, Inc., 2700 Oakmont, Round Rock, Texas 78665 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360) .....	I
Tetrahydrocannabinols (7370) .....	I

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug codes 7360, marihuana, and 7370, tetrahydrocannabinols, the company plans to bulk manufacture both as synthetic substances. No other activity for these drug codes is authorized for this registration.

Dated: February 16, 2016.

**Louis J. Milione,**

*Deputy Assistant Administrator.*

[FR Doc. 2016-03855 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1122–0023]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection****AGENCY:** Office on Violence Against Women, Department of Justice.**ACTION:** 30-Day Notice.

**SUMMARY:** The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 80 FR 77667, on December 15, 2015, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until March 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information Collection**

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs (SASP-Culturally Specific Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0023. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 11 grantees of the SASP Culturally Specific Program. This program supports projects that create, maintain and expand sustainable sexual assault services provided by culturally specific organizations, which are uniquely situated to respond to the needs of sexual assault victims within culturally specific populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 11 respondents (SASP-Culturally Specific Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP-Culturally Specific Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 22 hours, that is 11 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: February 18, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2016–03776 Filed 2–23–16; 8:45 am]

BILLING CODE 4410–FX–P

**DEPARTMENT OF JUSTICE**

[OMB Number 1140–0076]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Relief of Disabilities and Application for Restoration of Explosives Privileges (ATF Form 5400.29)****AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.**ACTION:** 30-day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 FR 79099, on December 18, 2015, allowing for a 60-day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until March 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Laurie O' Lena, 3750 Corporal Road, Huntsville, AL 35898 at email or telephone: [EROD@atf.gov](mailto:EROD@atf.gov) or (256) 261–7640.

Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:*

Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Relief of Disabilities and Application for Restoration of Explosives Privileges.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: 5400.29.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals.

Other: None.

Abstract: ATF is charged with the responsibility for enforcing title XI of the Organized Crime Control Act (the Act) of 1970 and the implementing regulations contained at 27 CFR part 555. Subtitle C of Public Law 107-296, the Safe Explosives Act, enacted November 25, 2003, amended the Act to give the Director authority to grant relief from disability for any person who is prohibited from shipping, transporting, receiving, or possessing an explosive under section 842(i) of the Act. The regulations at 27 CFR, section 555.142 state that the Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the disability and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety. The ATF Form 5400.29, Application for Restoration of Explosives Privileges, is used by ATF to conduct background investigations on all applicants for restoration of explosives privileges. In an effort to ensure that any person

applying for restoration of explosives privileges has a record and reputation such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of such relief would not be contrary to the public interest, ATF proposes that all applicants complete ATF Form 5400.29.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 300 respondents will take 30 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 150 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: February 18, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03774 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1122-0022]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

**AGENCY:** Office on Violence Against Women, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 80 FR 77664, on December 15, 2015, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until March 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions

or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202-514-5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Semi-Annual Progress Report for the Sexual Assault Services Formula Grant Program (SASP).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122-0022. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 606 administrators and subgrantees of the SASP. SASP grants support intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family

and household members of victims, and those collaterally affected by the sexual assault. The SASP supports the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault. The grant funds are distributed by SASP state administrators to subgrantees as outlined under the provisions of the Violence Women Act of 2005.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 606 respondents (SASP administrators and subgrantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP subgrantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 1,212 hours, that is 606 subgrantees completing a form twice a year with an estimated completion time for the form being one hour.

*If additional information is required contact:* Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: February 18, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03775 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-FX-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1122-0021]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

**AGENCY:** Office on Violence Against Women, Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in

accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 80 *FR* 77662, on December 15, 2015, allowing for a 60 day comment period.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until *March 25, 2016*.

**FOR FURTHER INFORMATION CONTACT:** If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202-514-5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

### Overview of This Information Collection

(1) **Type of Information Collection:** Extension of a currently approved collection

(2) **Title of the Form/Collection:** Semi-Annual Progress Report for Grantees from Grants to Enhance Culturally and Linguistically Specific Services for

Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program (Culturally and Linguistically Specific Services Program).

(3) **Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:** Form Number: 1122-0021. U.S. Department of Justice, Office on Violence Against Women

(4) **Affected public who will be asked or required to respond, as well as a brief abstract:** The affected public includes the approximately 50 grantees of the Culturally and Linguistically Specific Services Program. The program funds projects that promote the maintenance and replication of existing successful domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources. The program also supports the development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of violence against women.

(5) **An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:** It is estimated that it will take the approximately 50 respondents (Culturally and Linguistically Specific Services Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Culturally and Linguistically Specific Services Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) **An estimate of the total public burden (in hours) associated with the collection:** The total annual hour burden to complete the data collection forms is 100 hours, that is 50 grantees completing a form twice a year with an estimated completion time for the form being one hour.

*If additional information is required contact:* Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: February 18, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03777 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-FX-P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1140–NEW]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; Tobacco Inventory Report (ATF Form 5200.25)**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** CORRECTION for FR Doc. 2016–02818.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Joseph Fox, Field Operations, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Ave. NE., Washington, DC 20226 at telephone: 202–648–7117.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: February 18, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016–03773 Filed 2–23–16; 8:45 am]

**BILLING CODE 4410–FY–P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Consent Decree Modification Under the Clean Water Act**

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Consent Decree Modification in *United States and the State of Indiana v. City of Evansville, Indiana, et al.* (3:09–cv–128–WTL–WGH), which was lodged with the United States District Court for the Southern District of Indiana on February 18, 2016.

In this action, the United States' and the State of Indiana's Complaint filed in 2009 sought civil penalties and injunctive relief for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, in connection with the City of Evansville's operation of its municipal wastewater and sewer system. The allegations in that Complaint were resolved in a Consent Decree, entered

on June 22, 2011, in which the City of Evansville agreed, among other things, to develop a long term Integrated Overflow Control Plan that would remedy the deficiencies in the capacity, operation and maintenance of Evansville's East Plant and West Plant, combined sewer system, and sanitary sewer system. The current proposed Consent Decree Modification would adopt and incorporate Evansville's finalized plan for remedying these deficiencies, which includes implementation of specific wastewater treatment and capacity upgrades and capital improvement projects over a 25-year period at an estimated cost of \$729 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Indiana v. City of Evansville, Indiana, et al.*, D.J. Ref. No. 90–5–1–1–08738. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the proposed Consent Decree Modification may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$15.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 2016–03891 Filed 2–23–16; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

[OMB Number 1140–NEW]

**Agency Information Collection Activities; Proposed eCollection eComments Requested; National Firearms Act (NFA) Responsible Person Questionnaire (ATF Form 5320.23)**

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until April 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, Industry Liaison Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 99 New York Ave. NE., Washington, DC 20226 at email: [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection* (check justification or form 83-I): New collection.

2. *The Title of the Form/Collection:* National Firearms Act (NFA) Responsible Person Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5320.23

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): State Local or Tribal Government.

Abstract: This form is filed with ATF Form 1, 4 or 5 applications when the applicant, maker, or transferee is other than an individual or government agency. This allows ATF to conduct background checks of persons who make, acquire, or possess firearms.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 115,829 respondents will take .25 hours to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 57,914.5 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: February 18, 2016.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2016-03772 Filed 2-23-16; 8:45 am]

**BILLING CODE 4410-FY-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 16-016]

### NASA Advisory Council; Aeronautics Committee Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). The meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

**DATES:** Wednesday, March 23, 2016, 8:30 a.m.—4:30 p.m., Local Time.

**ADDRESSES:** NASA Headquarters, Room 6E40, 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Irma Rodriguez, Executive Secretary for the NAC Aeronautics Committee, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0984, or [irma.c.rodriguez@nasa.gov](mailto:irma.c.rodriguez@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. Any person interested in participating in the meeting by WebEx and dial-in teleconference should contact Ms. Irma Rodriguez at (202) 358-0984 for the web link, toll-free number and passcode. The agenda for the meeting includes the following topics:

- Aeronautics 10-Year Investment Strategy
- Overall Aeronautics Thrust Roadmaps Overview
- Hypersonic Research Strategy

Attendees will be requested to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Due to the Real ID Act, Public Law 109-13, any attendees with driver's licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I-9]. Non-compliant states/territories are: American Samoa, Illinois, Minnesota, Missouri, New Mexico and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender date/place of birth; citizenship; visa information

(number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Irma Rodriguez, fax (202) 358-4060. U.S. Citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ms. Irma Rodriguez. For questions, please call Ms. Irma Rodriguez at (202) 358-0984. It is imperative that this meeting be held on this date to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2016-03914 Filed 2-23-16; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

**Names:** Proposal Review Panel for Materials Research—Materials Research Science & Engineering Centers Site Visit, Brandeis University (V160684) #1203.

**Dates & Times:** March 22, 2016; 9:00 a.m. EST–5:00 p.m. EST.

**Place:** Brandeis University, Waltham, MA, 02453.

**Type of Meeting:** Part-Open.

**Contact Person:** Dr. Daniele Finotello, Program Director, Materials Research Science & Engineering Centers, MRSEC, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-4676.

**Purpose of Meeting:** NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

### Agenda

*Tuesday, March 22, 2016*

8:45am–9:00am: Informal Meeting NSF

PDs & MRSEC Director (CLOSED)

9:00am–9:05am: Introductions

9:05am–10:05am: Brandeis MRSEC

Overview (Fraden)

10:05am–10:25am: Coffee Break

10:25am–11:25am: IRGs & SEEDS

11:25am–11:55pm: Education and Outreach



12:00pm–1:05pm: Lunch with MRSEC students and postdocs  
 1:10pm–2:15pm: Shared Experimental Facilities Tour  
 2:15pm–3:00pm: NSF Panel Caucus (CLOSED)  
 3:00pm–3:30pm: NSF debrief MRSEC Executive Committee (CLOSED)

*Reason for Closing:* The work being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 18, 2016.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2016–03876 Filed 2–23–16; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463 as amended), the National Science Foundation announces the following meeting:

*Names:* Proposal Review Panel for Materials Research—Materials Research Science & Engineering Centers Site Visit, Columbia University (V160683) #1203.

*Dates & Times:* March 10, 2016; 9:00 a.m. EST–5:00 p.m. EST.

*Place:* Columbia University, New York, NY 10027.

*Type of Meeting:* Part—Open.

*Contact Person:* Dr. Daniele Finotello, Program Director, Materials Research Science & Engineering Centers, MRSEC, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4676.

*Purpose of Meeting:* NSF site visit to provide advice and recommendations concerning further NSF support for the Center.

### Agenda

*Thursday, March 10, 2016*

8:45 a.m.–9:00 a.m.: Informal Meeting NSF PDs & MRSEC Director (Closed)

9:00 a.m.–9:05 a.m.: Introductions

9:05 a.m.–10:05 a.m.: Columbia MRSEC Overview (Hone)

10:05 a.m.–10:25 a.m.: Coffee Break

10:25 a.m.–11:25 a.m.: IRGs & SEEDs

11:25 a.m.–11:55 p.m.: Education and Outreach

12:00 p.m.–1:05 p.m.: Lunch with MRSEC students and postdocs

1:10 p.m.–2:15 p.m.: Shared

Experimental Facilities Tour

2:15 p.m.–3:00 p.m.: NSF Panel Caucus (Closed)

3:00 p.m.–3:30 p.m.: NSF debrief MRSEC Executive Committee (Closed)

*Reason for Closing:* The work being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 19, 2016.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2016–03896 Filed 2–23–16; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2015–0187]

### Human Factors Engineering

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan-draft section revision; reopening of comment period.

**SUMMARY:** On August 10, 2015, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on the draft NUREG–0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” Section 18.0, “Human Factors Engineering.” The public comment period closed on October 9, 2015. The NRC has decided to reopen the public comment period to allow more time for members of the public to develop and submit their comments and to hold a public meeting concerning the Standard Review Plan (SRP), Section 18.0.

**DATES:** The comment period for the document published on August 10, 2015 (80 FR 47958), has been reopened. Comments should be filed no later than **March 11, 2016**. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0187. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

### FOR FURTHER INFORMATION CONTACT:

Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3053, email: [Mark.Notich@nrc.gov](mailto:Mark.Notich@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2015–0187 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0187.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for this document is ML13108A095.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

##### B. Submitting Comments

Please include Docket ID NRC–2015–0187 in your comment submission.

The NRC cautions you not to include identifying or contact information that

you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Discussion

On August 10, 2015, the NRC solicited comments on the draft revision of NUREG-0800, revision 3 of SRP Section 18.0, "Human Factors Engineering." The public comment period originally closed on October 9, 2015 (80 FR 47958). Due to requests from the public for an extension of the comment period and a request for a public meeting with the staff concerning questions and comments about SRP Section 18.0, the staff is re-opening the comment period for SRP Section 18.0 until March 11, 2016.

Dated at Rockville, Maryland, this 17th day of February, 2016.

For the Nuclear Regulatory Commission.

**Tanya Smith,**

*Chief, New Reactor Rulemaking and Guidance Branch, Division of Engineering, Infrastructure, and Advanced Reactors, Office of New Reactors.*

[FR Doc. 2016-03904 Filed 2-23-16; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2015-0218]

### Information Collection: Operators' Licenses

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget

(OMB) for review. The information collection is entitled, "Operators' Licenses."

**DATES:** Submit comments by March 25, 2016.

**ADDRESSES:** Submit comments directly to the OMB reviewer at: Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150-0018), NEOB-10202, Office of Management and Budget, Washington, DC 20503; telephone: 202-395-7315, email: [aira\\_submission@omb.eop.gov](mailto:aira_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Brenda Miles, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7884; email: [INFOCOLLECTS.Resource@nrc.gov](mailto:INFOCOLLECTS.Resource@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC-2015-0218 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0218.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The supporting statement is available in ADAMS under Accession No. ML15343A087.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Brenda Miles, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7884; email: [INFOCOLLECTS.Resource@nrc.gov](mailto:INFOCOLLECTS.Resource@nrc.gov).

##### B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "10 CFR part 55, Operators' Licenses." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 1, 2015 (80 FR 59200).

1. *The title of the information collection:* 10 CFR part 55, Operators' Licenses.
2. *OMB approval number:* 3150-0018.
3. *Type of submission:* Extension.
4. *The form number if applicable:* Not applicable.
5. *How often the collection is required or requested:* As necessary for the NRC to meet its responsibilities to determine the eligibility for applicants and operators.
6. *Who will be required or asked to respond:* Holders of, and applicants for, facility (*i.e.*, nuclear power and non-power research and test reactor) operating licenses and individual operator licensees.
7. *The estimated number of annual responses:* 452 responses (354 reporting responses + 98 recordkeepers).
8. *The estimated number of annual respondents:* 98 respondents.
9. *An estimate of the total number of hours needed annually to comply with*

the information collection requirement or request: 212,052 hours (188,647 hours reporting + 23,405 hours recordkeeping).

10. *Abstract:* Part 55 of title 10 of the *Code of Federal Regulations* (10 CFR), "Operators' Licenses," specifies information and data to be provided by applicants and facility licensees so that the NRC may make determinations concerning the licensing and requalification of operators for nuclear reactors, as necessary to promote public health and safety. The reporting and recordkeeping requirements contained in 10 CFR part 55 are mandatory for the facility licensees and the applicants affected.

Dated at Rockville, Maryland, this 18th day of February 2016.

For the Nuclear Regulatory Commission.

**Brenda Miles,**

*Acting NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2016-03815 Filed 2-23-16; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2015-0118]

### Information Collection: Packaging and Transportation of Radioactive Material

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Packaging and Transportation of Radioactive Material." **DATES:** Submit comments by March 25, 2016.

**ADDRESSES:** Submit comments directly to the OMB reviewer at: Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150-0008), NEOB-10202, Office of Management and Budget, Washington, DC 20503; telephone: 202-395-7315, email: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Brenda Miles, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7884; email: [INFOCOLLECTS.Resource@nrc.gov](mailto:INFOCOLLECTS.Resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Obtaining Information and Submitting Comments

### A. Obtaining Information

Please refer to Docket ID NRC-2015-0118 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0118.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The supporting statement and burden spreadsheet are available in ADAMS under Package Accession Nos. ML15343A098 and ML15343A100.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Brenda Miles, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7884; email: [INFOCOLLECTS.Resource@NRC.GOV](mailto:INFOCOLLECTS.Resource@NRC.GOV).

### B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <http://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment

submissions available to the public or entering the comment into ADAMS.

## II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, 10 CFR part 71, "Packaging and Transportation of Radioactive Material." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 6, 2015 (80 FR 60412).

1. *The title of the information collection:* 10 CFR part 71, Packaging and Transportation of Radioactive Material.

2. *OMB approval number:* 3150-0008.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion. Application for package certification may be made at any time. Required reports are collected and evaluated on a continuous basis as events occur.

6. *Who will be required or asked to respond:* All NRC specific licensees who place byproduct, source, or special nuclear material into transportation, and all persons who wish to apply for NRC approval of package designs for use in such transportation.

7. *The estimated number of annual responses:* 660.1 responses.

8. *The estimated number of annual respondents:* 250 respondents.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 25,593.9 hours (20,807.6 hours reporting + 4655 hours recordkeeping + 131.3 hours third-party disclosure).

10. *Abstract:* NRC regulations in 10 CFR part 71 establish requirements for packaging, preparation for shipment, and transportation of licensed material, and prescribe procedures, standards, and requirements for approval by NRC of packaging and shipping procedures for fissile material and for quantities of licensed material in excess of Type A quantities. The NRC collects information pertinent to 10 CFR part 71 for three reasons: To issue a package approval; to ensure that any incidents or package degradation or defect are appropriately captured, evaluated and if

necessary, corrected to minimize future potential occurrences; and to ensure that all activities are completed using an NRC-approved quality assurance program.

Dated at Rockville, Maryland, this 18th day of February 2016.

For the Nuclear Regulatory Commission.

**Brenda Miles,**

*Acting, NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2016-03814 Filed 2-23-16; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016-79 and CP2016-104; Order No. 3086]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 187 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 26, 2016.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. Notice of Commission Action
- III. Ordering Paragraphs

### I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 through 3020.35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 187 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted contract related to the proposed new

product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

### II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016-79 and CP2016-104 to consider the Request pertaining to the proposed Priority Mail Contract 187 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than February 26, 2016. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2016-79 and CP2016-104 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than February 26, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**  
*Secretary.*

[FR Doc. 2016-03887 Filed 2-23-16; 8:45 am]

**BILLING CODE 7710-FW-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016-80 and CP2016-105; Order No. 3087]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning

the addition of Priority Mail Contract 188 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 26, 2016.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. Notice of Commission Action
- III. Ordering Paragraphs

### I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30-35, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 188 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

### II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016-80 and CP2016-105 to consider the Request pertaining to the proposed Priority Mail Contract 188 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 187 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, February 18, 2016 (Request).

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 188 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, February 18, 2016 (Request).

CFR part 3020, subpart B. Comments are due no later than February 26, 2016. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Natalie R. Ward to serve as Public Representative in these dockets.

### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2016–80 and CP2016–105 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Natalie R. Ward is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than February 26, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**

*Secretary.*

[FR Doc. 2016–03888 Filed 2–23–16; 8:45 am]

**BILLING CODE 7710–FW–P**

### POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–82 and CP2016–107; Order No. 3089]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning the addition of First-Class Package Service Contract 44 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 26, 2016.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

I. Introduction

II. Notice of Commission Action  
III. Ordering Paragraphs

#### I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30–.35, the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 44 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

#### II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–82 and CP2016–107 to consider the Request pertaining to the proposed First-Class Package Service Contract 44 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than February 26, 2016. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Jennaca D. Upperman to serve as Public Representative in these dockets.

#### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2016–82 and CP2016–107 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than February 26, 2016.

<sup>1</sup> Request of the United States Postal Service to Add First-Class Package Service Contract 44 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, February 18, 2016 (Request).

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**

*Secretary.*

[FR Doc. 2016–03890 Filed 2–23–16; 8:45 am]

**BILLING CODE 7710–FW–P**

### POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016–81 and CP2016–106; Order No. 3088]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning the addition of First-Class Package Service Contract 43 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 26, 2016.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents

I. Introduction  
II. Notice of Commission Action  
III. Ordering Paragraphs

#### I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30–.35, the Postal Service filed a formal request and associated supporting information to add First-Class Package Service Contract 43 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a

<sup>1</sup> Request of the United States Postal Service to Add First-Class Package Service Contract 43 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, February 18, 2016 (Request).

copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

## II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016–81 and CP2016–106 to consider the Request pertaining to the proposed First-Class Package Service Contract 43 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than February 26, 2016. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2016–81 and CP2016–106 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than February 26, 2016.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**  
Secretary.

[FR Doc. 2016–03889 Filed 2–23–16; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–77173; File No. TP 15–15]

### Order Granting Limited Exemptions From Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M to WisdomTree Put Write Strategy Fund Pursuant to Exchange Act Rule 10b–17(b)(2) and Rules 101(d) and 102(e) of Regulation M

February 18, 2016.

By letter dated February 18, 2016 (the “Letter”), as supplemented by conversations with the staff of the Division of Trading and Markets, counsel for WisdomTree Trust (the “Trust”) on behalf of the Trust, WisdomTree Put Write Strategy Fund (the “Fund”), any national securities exchange on or through which shares issued by the Fund (“Shares”) may subsequently trade, and persons or entities engaging in transactions in Shares (collectively, the “Requestors”), requested exemptions, or interpretive or no-action relief, from Rule 10b–17 of the Securities Exchange Act of 1934, as amended (“Exchange Act”), and Rules 101 and 102 of Regulation M, in connection with secondary market transactions in Shares and the creation or redemption of aggregations of Shares of 50,000 shares (“Creation Units”).

The Trust is registered with the Commission under the Investment Company Act of 1940, as amended (“1940 Act”), as an open-end management investment company. The Fund seeks to track the performance of an underlying index, the CBOE S&P 500 Put Write Index (“Index”). The Index is based on a passive investment strategy which consists of overlapping hypothetical investments in a single series of exchange-listed S&P 500 Index options (“SPX Puts”) over a money market account hypothetically invested in one and three-month Treasury bills. Specifically, the Index hypothetically writes at-the-money SPX Puts on a monthly basis, usually on the third Friday of the month (*i.e.*, the “Roll Date”), which match the expiration date of the hypothetical SPX Puts. All SPX Puts hypothetically invested in by the Index are standardized options traded on the Chicago Board Options Exchange. At each Roll Date, any settlement loss in the Index based on the expiring SPX Puts is financed by the Treasury bill account and a new batch of hypothetical at-the-money SPX Puts is sold. Revenue from their sale is added to the Index's hypothetical Treasury bill account. On each Roll Date in March, June, September, and December

(“March quarterly cycle months”), the proceeds from the hypothetical sales of the SPX Puts are invested in hypothetical three-month Treasury bills. On each Roll Date in a March quarterly cycle month, the three month Treasury bills hypothetically purchased in the prior March quarterly cycle month, and any one-month Treasury bills hypothetically purchased in the prior month are deemed to mature, and the proceeds are hypothetically invested in new three-month Treasury bills at the three-month Treasury bill rate. In other months, the revenue from the hypothetical sale of SPX Puts is hypothetically invested separately at the one-month Treasury bill rate, and where applicable, any one-month Treasury bills purchased in the prior month are deemed to mature and hypothetically invested in new one-month Treasury bills at the one-month Treasury bill rate. As stated above, all investments used to determine Index value are hypothetical.

In order to track the Index, under normal circumstances, as described in the Letter, the Fund will invest not less than 80% of its assets in SPX Puts and one and three month U.S. Treasury bills. The Fund may invest up to 20% of its net assets (in the aggregate) in other investments, as described in the Letter, that are not included in the Index, but which WisdomTree Asset Management, Inc. (“Adviser”) or Mellon Capital Management (“Sub-Adviser”) believes will help the Fund to track the Index and that will be disclosed at the end of each trading day (“Other Assets”).<sup>1</sup> The Fund's investment strategy will be designed to write a sequence of one-month, at-the-money, SPX Puts and invest cash and Other Assets targeted to achieve one- and three-month Treasury bill rates. The number of SPX Puts written will vary from month to month, but will be limited to permit the amount held in the Fund's investment in Treasury bills to finance the maximum possible loss from final settlement of the SPX Puts.

The Requestors represent, among other things, the following:

- Shares of the Fund will be issued by the Trust, an open-end management investment company that is registered with the Commission;
- Creation Units will be continuously redeemable at the net asset value (“NAV”) next determined after receipt

<sup>1</sup> For example, the Requestors represent that there may be instances in which the Adviser or Sub-Adviser may choose to purchase or sell financial instruments not in the Index which the Adviser or Sub-Adviser believes are appropriate to substitute for one or more Index components in seeking to replicate, before fees and expenses, the performance of the Index.

of a request for redemptions by the Fund and the secondary market price of the Shares should not vary substantially from the NAV of such Shares;

- Shares of the Fund will be listed and traded on an Exchange;
- The Fund seeks to replicate the performance of the Index, all the components of which have publicly available last sale trade information;
- The intra-day indicative value of the Fund per share and the intra-day value of the Index will be publicly disseminated every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association;
- On each business day before commencement of trading in Shares on the Exchange, the Fund will disclose on its Web site the identities and quantities of the Fund's options positions as well as Other Assets held by the Fund that will form the basis for the calculation of the Fund's NAV at the end of the business day;
- The Exchange or other market information provider will disseminate every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association an amount representing on a per-share basis, the current value of the cash to be deposited as consideration for the purchase of Creation Units;
- The arbitrage mechanism will be facilitated by the transparency of the Fund's portfolio and the availability of the intra-day indicative value, the liquidity of securities and Other Assets held by the Fund, the ability to access the options sold by the Fund, as well as arbitrageurs' ability to create workable hedges;
- The Fund will invest solely in liquid securities;
- The options sold by the Fund will facilitate an effective and efficient arbitrage mechanism and the ability to create workable hedges;
- The Requestors expect arbitrageurs to be able to take advantage of price variations between the Fund's market price and its NAV; and
- A close alignment between the market price of Shares and the Fund's NAV is expected.

### Regulation M

While redeemable securities issued by an open-end management investment company are excepted from the provisions of Rule 101 and 102 of Regulation M, the Requestors may not rely upon that exception for the Shares.<sup>2</sup>

<sup>2</sup> While ETFs operate under exemptions from the definitions of "open-end company" under Section 5(a)(1) of the 1940 Act and "redeemable security"

However, we find that it is appropriate in the public interest and is consistent with the protection of investors to grant a conditional exemption from Rules 101 and 102 to persons who may be deemed to be participating in a distribution of Shares of the Fund as described in more detail below.

### Rule 101 of Regulation M

Generally, Rule 101 of Regulation M is an anti-manipulation rule that, subject to certain exceptions, prohibits any "distribution participant" and its "affiliated purchasers" from bidding for, purchasing, or attempting to induce any person to bid for or purchase any security which is the subject of a distribution until after the applicable restricted period, except as specifically permitted in the rule. Rule 100 of Regulation M defines "distribution" to mean any offering of securities that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods. The provisions of Rule 101 of Regulation M apply to underwriters, prospective underwriters, brokers, dealers, or other persons who have agreed to participate or are participating in a distribution of securities. The Shares are in a continuous distribution and, as such, the restricted period in which distribution participants and their affiliated purchasers are prohibited from bidding for, purchasing, or attempting to induce others to bid for or purchase extends indefinitely.

Based on the representations and facts presented in the Letter, particularly that the Trust is a registered open-end management investment company, that Creation Unit size aggregations of the Shares of the Fund will be continuously redeemable at the NAV next determined after receipt of a request for redemption by the Fund, and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest and consistent with the protection of investors to grant the Trust an exemption under paragraph (d) of Rule 101 of Regulation M with respect to the Fund, thus permitting persons participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.<sup>3</sup>

under Section 2(a)(32) of the 1940 Act, the Fund and its securities do not meet those definitions.

<sup>3</sup> Additionally, we confirm the interpretation that a redemption of Creation Unit size aggregations of Shares of the Fund and the receipt of securities in exchange by a participant in a distribution of Shares of the Fund would not constitute an "attempt to induce any person to bid for or purchase, a covered

### Rule 102 of Regulation M

Rule 102 of Regulation M prohibits issuers, selling security holders, and any affiliated purchaser of such person from bidding for, purchasing, or attempting to induce any person to bid for or purchase a covered security during the applicable restricted period in connection with a distribution of securities effected by or on behalf of an issuer or selling security holder.

Based on the representations and facts presented in the Letter, particularly that the Trust is a registered open-end management investment company, that Creation Unit size aggregations of the Shares of the Fund will be continuously redeemable at the NAV next determined after receipt of a request for redemption by the Fund, and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest and consistent with the protection of investors to grant the Trust an exemption under paragraph (e) of Rule 102 of Regulation M with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

### Rule 10b-17

Rule 10b-17, with certain exceptions, requires an issuer of a class of publicly traded securities to give notice of certain specified actions (for example, a dividend distribution) relating to such class of securities in accordance with Rule 10b-17(b). Based on the representations and facts in the Letter, and subject to the conditions below, we find that it is appropriate in the public interest, and consistent with the protection of investors to grant the Trust a conditional exemption from Rule 10b-17 because market participants will receive timely notification of the existence and timing of a pending distribution, and thus the concerns that the Commission raised in adopting Rule 10b-17 will not be implicated.<sup>4</sup>

### Conclusion

*It is hereby ordered*, pursuant to Rule 101(d) of Regulation M, that the Trust, based on the representations and facts presented in the Letter, is exempt from the requirements of Rule 101 with respect to the Fund, thus permitting

security during the applicable restricted period" within the meaning of Rule 101 of Regulation M and therefore would not violate that rule.

<sup>4</sup> We also note that timely compliance with Rule 10b-17(b)(1)(v)(a) and (b) would be impractical in light of the nature of the Fund. This is because it is not possible for the Fund to accurately project ten days in advance what dividend, if any, would be paid on a particular record date.

persons who may be deemed to be participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.

*It is further ordered*, pursuant to Rule 102(e) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 102 with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

*It is further ordered*, pursuant to Rule 10b-17(b)(2), that the Trust, based on the representations and the facts presented in the Letter and subject to the conditions below, is exempt from the requirements of Rule 10b-17 with respect to transactions in the shares of the Fund.

This exemptive relief is subject to the following conditions:

- The Trust will comply with Rule 10b-17 except for Rule 10b-17(b)(1)(v)(a) and (b); and
- The Trust will provide the information required by Rule 10b-17(b)(1)(v)(a) and (b) to the Exchange as soon as practicable before trading begins on the ex-dividend date, but in no event later than the time when the Exchange last accepts information relating to distributions on the day before the ex-dividend date.

This exemptive relief is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. Persons relying upon this exemptive relief shall discontinue transactions involving the Shares of the Fund, pending presentation of the facts for the Commission's consideration, in the event that any material change occurs with respect to any of the facts or representations made by the Requestors and, consistent with all preceding letters, particularly with respect to the close alignment between the market price of Shares and the Fund's NAV. In addition, persons relying on this exemption are directed to the anti-fraud and anti-manipulation provisions of the Exchange Act, particularly Sections 9(a) and 10(b), and Rule 10b-5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on this exemption. This order should not be considered a view with respect to any other question that the proposed transactions may raise, including, but not limited to the adequacy of the disclosure concerning,

and the applicability of other federal or state laws to, the proposed transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>5</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2016-03792 Filed 2-23-16; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77174; File No. SR-NYSEMKT-2016-22]

### Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 341A(a)(4) To Provide for Web-Based Delivery of the Exchange's Continuing Education Program

February 18, 2016.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on February 4, 2016, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 341A(a)(4) to provide for web-based delivery of the Exchange's continuing education ("CE") program. The proposed rule change would phase out the current option of completing the Regulatory Element in a test center, delete the current option for in-house delivery of the Regulatory Element of the CE program and also delete the existing text of Rule 341A(a)(4). The Exchange's proposal is materially similar to a recent FINRA filing to amend FINRA Rule 1250, which was recently approved by the Securities and Exchange Commission ("Commission").<sup>4</sup> The proposed rule

change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The CE requirements under Rule 341A consist of a Regulatory Element<sup>5</sup> and a Firm Element.<sup>6</sup> The Regulatory Element applies to all registered persons and consists of periodic computer-based training on regulatory, compliance, ethical, and supervisory subjects and sales practice standards, which must be completed within prescribed timeframes.<sup>7</sup> In addition, unless otherwise determined by the Exchange, a registered person is required to re-take the Regulatory Element of the program and satisfy the program's requirements in their entirety in the event such person: (i) Becomes subject to any statutory disqualification as defined in Section 3(a)(39) of the Securities Exchange Act of 1934; (ii) becomes subject to suspension or to the imposition of a fine of \$5,000 or more

Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR-FINRA-2015-015). See also Securities Exchange Act Release No. 76880 (January 12, 2016), 81 FR 2928 (January 19, 2016) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Section (a)(4) of Rule 640, Continuing Education for Registered Persons) (SR-PHLX-2015-118).

<sup>5</sup> See Rule 341A(a) (Regulatory Element).

<sup>6</sup> See Rule 341A(b) (Firm Element).

<sup>7</sup> Pursuant to Rule 341A, each registered person shall complete the Regulatory Element of the continuing education program on the occurrence of their second registration anniversary date(s), and every three years thereafter or as otherwise prescribed by the Exchange. On each occasion, the Regulatory Element must be completed within 120 days after the person's registration anniversary date. A person's initial registration date, also known as the "base date," shall establish the cycle of anniversary dates for purposes of this Rule.

<sup>5</sup> 17 CFR 200.30-3(a)(6) and (9).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Act Release No. 75581 (July 31, 2015), 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to



for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or (iii) is ordered as a sanction in a disciplinary action to re-take the Regulatory Element by any securities governmental agency or securities self-regulatory organization.

Rule 341A(a)(1) provides that the following Regulatory Elements administered by FINRA shall be required: The S201 for registered principals and supervisors; the S106 for persons registered only as Investment Company Products/Variable Contracts Limited Representatives; and the S101 for all other registered persons. Currently, the Regulatory Element may be administered in a test center or in-firm subject to specified procedures.<sup>8</sup>

Currently, most registered persons complete the Regulatory Element in a test center rather than in-firm. Given the advances in Web-based technology, the Exchange believes that there is diminishing utility in the test center and in-firm delivery methods. Moreover, according to FINRA,<sup>9</sup> registered persons have raised concerns with the test center delivery method because of the travel involved, the limited time currently available to complete a Regulatory Element session<sup>10</sup> and the

<sup>8</sup> Under current Rule 341A(a)(4), In-Firm Delivery of the Regulatory Element, members and member organizations are permitted to administer the continuing education Regulatory Element program to their registered persons by instituting an in-firm program acceptable to the Exchange. Among others, the following procedures are required in order to administer the Regulatory Element of the CE program in-house: (1) The firm must designate a principal/officer-in-charge to be responsible for the in-firm delivery of the Regulatory Element; (2) the location of the delivery site must be under the control of the firm; (3) the communication links and firm delivery computer hardware must comply with standards defined by the Exchange or its designated vendor; (4) the firm's written supervisory procedures must contain the procedures implemented to comply with requirements of in-firm delivery of the Regulatory Element continuing education; (5) all sessions must be proctored by an authorized person during the entire Regulatory Element continuing education session and proctors must be present in the session room or must be able to view the person(s) sitting for Regulatory Element continuing education through a window or by video monitor; (6) all appointments must be scheduled in advance using the procedures and software specified by the Exchange to communicate with the Exchange's system and designated vendor; and (7) a Letter of Attestation for In-Firm Delivery of Regulatory Element CE must be delivered.

<sup>9</sup> FINRA is currently responsible for the operation of the test centers used for test center delivery method of the Regulatory Element.

<sup>10</sup> The current session time is three-and-a-half hours.

use of rigorous security measures at test centers, which are appropriate for taking qualification examinations but onerous for a CE program.<sup>11</sup> Also, according to FINRA, the test center is expensive to operate.<sup>12</sup>

Based on the recent amendments to FINRA Rule 1250,<sup>13</sup> the Exchange proposes to amend Rule 341A(a)(4) to provide for a Web-based delivery method for completing the Regulatory Element. Specifically, the Exchange proposes to amend Rule 341A(a)(4) to provide that the continuing education Regulatory Element set forth in paragraph (a) of Rule 341A will be administered through Web-based delivery or such other technological manner and format as specified by the Exchange. Should the Exchange determine to administer the Regulatory Element through a delivery mechanism other than Web-based delivery, however, the Exchange would notify the Commission and would need to file a further rule change with the Commission.

The first phase of the Web-based delivery system was launched October 1, 2015 and includes the Regulatory Element of the S201 for registered principals and supervisors. The second phase of the Web-based delivery system was launched January 4, 2016 and includes the Regulatory Element of the S101 for all registered persons, including, but not limited to Securities Traders. The Exchange is proposing to phase out test-center delivery by no later than six months after January 4, 2016. Registered persons will continue to have the option of completing the Regulatory Element in a test center, but they will be required to use the Web-based system after the test-center delivery is phased out.<sup>14</sup>

Further, the Exchange is proposing to eliminate the current option for in-firm delivery and is deleting the current text of Rule 341A(a)(4) relating to in-firm delivery of the Regulatory Element of

<sup>11</sup> See Securities Exchange Act Release No. 75154 (June 11, 2015), 80 FR 34777 (June 17, 2015) (Notice of Filing of a Proposed Rule Change To Provide a Web-Based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR-FINRA-2015-015).

<sup>12</sup> *Id.* at 34779.

<sup>13</sup> See FINRA Rule 1250 (Continuing Education Requirements). See also Securities Exchange Act Release No. 75581 (July 31, 2015) 80 FR 47018 (August 6, 2015) (Order Approving a Proposed Rule Change to Provide a Web-based Delivery Method for Completing the Regulatory Element of the Continuing Education Requirements) (SR-FINRA-2015-015).

<sup>14</sup> The Exchange intends to amend its fee schedule to reduce the cost for Regulatory Element CE from \$100 to \$55 if administered by Web-delivery. Fees for completing the Regulatory Element at a test center will remain \$100.

the CE programs. The proposed Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at a location of their choosing, including their private residence, at any time during their 120-day window for completion of the Regulatory Element.<sup>15</sup>

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>16</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>17</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>18</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers and Section 6(c)(3)<sup>19</sup> of the Act, which authorizes the Exchange to, among other things, prescribe standards of financial responsibility or operational capability and standards of training, experience and competence for its members and persons associated with members.

In particular, the Exchange believes that the proposed rule change will improve members' compliance efforts and will allow registered persons to spend a greater amount of time on the review of CE materials and potentially achieve better learning outcomes, which will in turn enhance investor protection. Further, while the proposed rule change will provide more flexibility to members and registered persons, it will maintain the integrity of the Regulatory Element of the CE program and the CE program in general.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

<sup>15</sup> Although the proposed rule change provides flexibility, firms may choose to impose their own conditions based on their supervisory and compliance needs. For instance, a firm that wishes to have registered persons complete CE on the firm's premises can do so by having the registered person access Web-based CE from a firm device and location. Moreover, firms would have to update their written policies and procedures regarding the Regulatory Element to reflect the transition to Web-based CE and communicate the update to registered persons.

<sup>16</sup> 15 U.S.C. 78f(b).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

<sup>18</sup> 15 U.S.C. 78f(b)(5).

<sup>19</sup> 15 U.S.C. 78f(c)(3).

any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is specifically intended to reduce the burden on registered persons for complying with the CE requirement while preserving the integrity of the CE program. As described above, the Web-based delivery method will provide registered persons the flexibility to complete the Regulatory Element at any location that they choose. Further, Web-based delivery is efficient and offers significant cost savings over test-center and in-firm deliveries. With respect to the authentication process for Web-based delivery, the CE candidate's personal identifying information will be masked and will be submitted to FINRA through a secure, encrypted, network. The personal identifying information submitted via the Web-based system will be used for authentication purposes only—the information will not be stored in the Web-based system.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>20</sup> and Rule 19b-4(f)(6) thereunder.<sup>21</sup> Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>22</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>23</sup> the Commission may designate a shorter time if such

action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow registered persons to immediately complete the Regulatory Element of the Exchange's continuing education requirement through the more flexible Web-based delivery method. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>24</sup>

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>25</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2016-22 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEMKT-2016-22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

<sup>24</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>25</sup> 15 U.S.C. 78s(b)(2)(B).

post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2016-22 and should be submitted on or before March 16, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>26</sup>

**Robert W. Errett,**

*Deputy Secretary.*

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-77175; File No. SR-FINRA-2016-007]

**Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Require Registration as Securities Traders of Associated Persons Primarily Responsible for the Design, Development or Significant Modification of Algorithmic Trading Strategies**

February 18, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 11, 2016, Financial Industry Regulatory Authority, Inc. ("FINRA") (f/k/a National Association of Securities

<sup>26</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>20</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>21</sup> 17 CFR 240.19b-4(f)(6).

<sup>22</sup> 17 CFR 240.19b-4(f)(6).

<sup>23</sup> 17 CFR 240.19b-4(f)(6)(iii).

Dealers, Inc. (“NASD”)) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

FINRA is proposing to require registration as Securities Traders of associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies, or who are responsible for the day-to-day supervision or direction of such activities.

The text of the proposed rule change is available on FINRA’s Web site at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

### **II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### *A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

NASD Rule 1032(f) (the “Rule”) generally provides that each person associated with a member included within the definition of a representative must register with FINRA as a Securities Trader if, with respect to transactions in equity, preferred or convertible debt securities effected otherwise than on a securities exchange, such person is engaged in proprietary trading, the execution of transactions on an agency basis, or the direct supervision of such activities.<sup>3</sup> This registration requirement

<sup>3</sup> Before registration as a Securities Trader may become effective, an applicant must pass the Securities Trader qualification examination. A FINRA rule change establishing the Securities Trader registration category and qualification examination (which replaced the Equity Trader registration category and qualification examination)

currently does not reach associated persons that solely are involved in the design, development or significant modification of algorithmic trading strategies.

Given the prevalence of use of algorithmic trading strategies by members, and the resultant significant role such systems play in today’s markets, FINRA proposes that associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or responsible for the day-to-day supervision or direction of such activities) be required to register as Securities Traders with FINRA and, thus, required to pass the requisite qualification examination and be subject to the same continuing education requirements as are applicable to individual securities traders. FINRA is concerned that problematic conduct stemming from algorithmic trading strategies, such as failure to check for order accuracy, inappropriate levels of messaging traffic, wash sales, failure to mark orders as “short” or perform proper short sale “locates,” and inadequate risk management controls, could be reduced or prevented, in part, through improved education regarding securities regulations for the specified individuals involved in the algorithm design and development process.<sup>4</sup>

#### **Scope of “Algorithmic Trading Strategy”**

For purposes of the proposal, an “algorithmic trading strategy” is an automated system that generates or routes orders or order-related messages such as routes or cancellations, but does not include an automated system that solely routes orders received in their entirety to a market center. As markets change, the scope of what would be considered an algorithmic trading strategy will continue to evolve as new trading strategies are designed and developed.

was approved by the SEC on August 28, 2015. In this filing, FINRA also established a new principal registration category—Securities Trader Principal—for a principal with supervisory responsibility over securities trading activities. The effective date of the registration category and qualification examination requirement for Securities Traders and Securities Trader Principals was January 4, 2016. See Securities Exchange Act Release No. 75783, 80 FR 53369 (September 3, 2015) (Order Approving File No. SR-FINRA-2015-017); and *Regulatory Notice* 15-45 (November 2015). See also Securities Exchange Act Release No. 75394 (July 8, 2015), 80 FR 41119 (July 14, 2015) (Notice of Filing of File No. SR-FINRA-2015-017).

<sup>4</sup> See *Regulatory Notice* 15-06 (Registration of Associated Persons Who Develop Algorithmic Trading Strategies) (March 2015), in which FINRA solicited comment on the proposed registration requirement.

For example, FINRA has observed the following types of automated systems that would be included within the proposed definition of “algorithmic trading strategy:”

- An arbitrage strategy, such as index or exchange-traded fund (ETF) arbitrage;
- A hedging or loss-limit algorithmic strategy that generates orders on an automated basis;
- A strategy that involves simultaneously trading of two or more correlated securities due to the divergence in their prices or other trading attributes;
- An order generation, routing and execution program used for large-sized orders that involve dividing the order into smaller-sized orders less likely to result in market impact;
- An order routing strategy used to determine the price or size for routed orders, the use of “parent” or “child” orders, or displayed versus non-displayed trading interest;
- A trading strategy that becomes more or less aggressive to correlate with trading volume in specified securities;
- A trading strategy that generates orders based on moving reference prices;
- A trading strategy that minimizes intra-day slippage in connection with achieving volume-weighted average prices and time-weighted average prices; and
- A strategy that creates or liquidates baskets of securities, including those that track indexes or ETFs.

The above is not an exhaustive list of the types of automated functionality that will be deemed an “algorithmic trading strategy” under the proposal. FINRA expects that members will register associated persons primarily responsible for the design, development or significant modification of automated programs (and day-to-day supervision or direction of such activities) that generate orders into the marketplace or execute trades without material intervention by any person. While NASD Rule 1032(f) currently is limited to activity effected otherwise than on a securities exchange, the proposed registration requirement applies to orders and order related messages whether ultimately routed (or sent to be routed) to an exchange or over the counter.

For the purpose of this proposal, an order router alone would not constitute an algorithmic trading strategy; for example, a standard order router that routes retail orders in their entirety to a particular market center for handling and execution would not be considered an algorithmic trading strategy. If an order router performs any additional

functions, such as those set forth above, it would be considered an algorithmic trading strategy. In addition, an algorithm that solely generates trading ideas or investment allocations, including an automated investment service that constructs portfolio recommendations, but that is not equipped to automatically generate orders and order-related messages to effectuate such trading ideas into the market (whether independently or via a linked router), would not constitute an algorithmic trading strategy for purposes of the proposal.

#### Scope of Registration Requirement

FINRA developed the proposed registration requirement to address concerns around the role of algorithmic trading strategies in problematic marketplace conduct by member firms. Pursuant to the proposal, associated persons primarily responsible for the design, development or significant modification<sup>5</sup> of algorithmic trading strategies (or responsible for the day-to-day supervision or direction of such activities) would be required to take a qualification examination and be subject to continuing education requirements. As noted above, FINRA published *Regulatory Notice* 15–06 to solicit comment on the proposed registration requirement. FINRA received feedback from members, including requesting clarification and guidance on FINRA's expectations around supervision, and registration of supervisors, in connection with the proposal.<sup>6</sup> The majority of these questions and concerns focused on firm personnel not currently required to register pursuant

<sup>5</sup> A "significant modification" to an algorithmic trading strategy generally would be any change to the code of the algorithm that impacts the logic and functioning of the trading strategy employed by the algorithm. Therefore, for example, a data feed/data vendor change generally would not be considered a "significant modification," whereas a change to a benchmark (such as an index) used by the strategy generally would be considered a "significant modification."

FINRA notes that, even in cases where a modification is not significant and, therefore, would not be required to be performed by a registered Securities Trader pursuant to this proposal, as stated in *Regulatory Notice* 15–09, firms should also focus efforts on the development of algorithmic strategies and on how those strategies are tested and implemented, including, among other things, implementing a change management process that tracks the development of new trading code or material changes to existing code. An effective process should include a review of test results and a set of approval protocols that are appropriate given the scope of the code or any change(s) to the code. See *Regulatory Notice* 15–09 (Guidance on Effective Supervision and Control Practices for Firms Engaging in Algorithmic Trading Strategies) (March 2015).

<sup>6</sup> See *supra* note 4. The comments and FINRA's response are discussed in Item ILC. below.

to the Rule. For example, while an equity trader involved in the design of an algorithmic trading strategy already would be required to register pursuant to NASD Rule 1032(f), the developer with which the trader collaborates to create an algorithmic trading strategy may not be. Members have inquired whether, in such cases, the registration requirement would extend to other coders on the development team or persons higher in the developer's reporting line.

While workflows, structures and roles may differ across members, in proposing this amendment, FINRA seeks to ensure that members identify and register associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or responsible for the day-to-day supervision or direction of such activities). In establishing this requirement, FINRA seeks to ensure that one or more associated persons that possess knowledge of, and responsibility for, both the design of the intended trading strategy (e.g., the arbitrage strategy) and the technological implementation of such strategy (e.g., coding), sufficient to evaluate whether the resultant product is designed not only to achieve business objectives, but also regulatory compliance. As stated in *Regulatory Notice* 15–06, FINRA does not intend the registration requirement to apply to every associated person that touches or otherwise is involved in the design or development of a trading algorithm.

For example, if a sole associated person determines the design of the trading strategy employed by an algorithm, writes the code to effectuate such strategy, and executes or directs the modification of such code going forward, then that person alone would be required to register as a Securities Trader under the proposal.<sup>7</sup>

In contrast, where a lead developer liaises with a head trader regarding the head trader's desired algorithmic trading strategy, and is primarily responsible for the supervision of the development of the algorithm to meet such objectives, such lead developer must be registered under the proposal as

<sup>7</sup> It is understood that various technology and other firm personnel are involved in additional tasks necessary to launch an algorithmic trading strategy into production—such as integrating the algorithm into the firm's technological infrastructure and testing linkages. However, because these activities generally would not be considered to be design, development or significant modification activities with respect to the algorithm itself, registration of such personnel as Securities Traders would not be required pursuant to this proposal.

the associated person primarily responsible for the development of the algorithmic trading strategy and supervising or directing the team of developers. Individuals under the lead developer's supervision would not be required to register under the proposal if they are not primarily responsible for the development of the algorithmic trading strategy or are not responsible for the day-to-day supervision or direction of others on the team.<sup>8</sup> Under this scenario, the person on the business side that is primarily responsible for the design of the algorithmic trading strategy, as communicated to the lead developer, also would be required to register (if not already required to register as a Securities Trader due to their other duties). In the event of a significant modification to the algorithm, members, likewise, must ensure that the associated person primarily responsible for the significant modification (or the associated person supervising or directing such activity), is registered as a Securities Trader.<sup>9</sup>

To clarify the scope of the proposed requirement, the proposed rule provides that only those persons involved in the "day-to-day" supervision or direction of the activities covered by this proposal would be required to register. Thus, each person associated with a member must register as a Securities Trader if such person is (i) primarily responsible for the design, development or significant modification of an

<sup>8</sup> For example, a junior developer on the lead developer's team presumably is not "primarily" responsible for the design, development or significant modification of an algorithmic trading strategy and, therefore, would not be required to register under the proposal. By limiting the registration requirements to those persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or responsible for the day-to-day supervision or direction of such activities) FINRA aims to ensure that the member has identified the individuals primarily responsible for covered activities, and for the day-to-day supervision and direction of covered activities, and equip them with a basic level of familiarity with the regulatory obligations of the firm employing the algorithm. FINRA expects that the competency of these associated persons will inform the behaviors of those acting under their supervision or at their direction.

<sup>9</sup> In certain cases, the design of a new algorithmic trading strategy (or significant modification to an existing strategy) may be originated and approved by a committee within the firm, including by committee members whose roles may be unrelated to trading or development (e.g., sales personnel providing insight regarding client needs or research analysts regarding sector trends). In such cases, FINRA would not consider each committee member to be primarily responsible for the design or significant modification of the algorithmic trading strategy, so long as an appropriately registered associated person is designated as primarily responsible for defining the business requirements of the trading strategy to be employed by the algorithm.

algorithmic trading strategy relating to equity (including options), preferred or convertible debt securities; or (ii) responsible for the day-to-day supervision or direction of such activities.<sup>10</sup>

FINRA notes that FINRA Rule 3110(a)(2) generally requires that all registered persons be designated to an appropriately registered principal or principals with authority to carry out the supervisory responsibilities of the member for each type of business in which it engages for which registration as a broker-dealer is required. With the addition of this new activity to the Securities Trader registration category, members will be required to designate developers to a registered principal for Rule 3110(a)(2) purposes. In such instances, FINRA believes it is appropriate that members may “assign” a lead algorithm developer (or other non-trader) engaging in covered activities to one or more other registered persons of the member that supervise trading activities outside such developer’s or other non-trader’s usual reporting line.

While the adequacy of a member’s supervisory structure must be evaluated on an individual firm basis, members are afforded a degree of flexibility in arranging for the appropriate supervision of a lead developer (or other non-trader) that engages in covered activities, such as by assigning such person to:

- A Securities Trader Principal<sup>11</sup> in the member’s trading business line (*e.g.*, the Securities Trader Principal in the reporting line of a Securities Trader primarily responsible for the design of any algorithmic trading strategy); or
- A Securities Trader in the member’s trading business line (*e.g.*, a Securities Trader primarily responsible for the design of an algorithmic trading strategy, including the strategy developed by the lead developer); or
- More than one registered person, provided that the supervisor responsible for the lead algorithm developer’s activities requiring registration as a Securities Trader must be registered as a Securities Trader or Securities Trader Principal.<sup>12</sup>

<sup>10</sup> As discussed further below, a senior or lead developer’s supervisor would not necessarily be required to be registered under the proposal if that person is not involved in the day-to-day supervision or direction of the development process.

<sup>11</sup> To qualify for registration as a Securities Trader Principal, an individual must be registered as a Securities Trader (Series 57) and pass the General Securities Principal qualification examination (Series 24). *See supra* note 3.

<sup>12</sup> Another registered person—*e.g.*, a General Securities Representative—may be assigned to

Accordingly, the proposal may not necessarily trigger registration requirements for the current supervisor of algorithm design or development personnel if such supervisor is not responsible for the day-to-day supervision or direction of the specific activities covered by this proposal. However, the firm must designate an appropriately registered person to be responsible for supervising the algorithmic trading strategy activities.

### Third-Party Algorithms

In some cases, an algorithmic trading strategy employed by a member may not have originated in-house and, therefore, may not have been designed or built by the member’s associated persons. In cases where the design and development of an algorithmic trading strategy was performed solely by a third-party, the proposed registration requirement would not apply to the member with regard to the design or development of such algorithm. However, FINRA notes that, to the extent associated persons were involved in the design or development, or are able to significantly modify the algorithmic trading strategy in-house, such persons must be registered as Securities Traders.<sup>13</sup>

A member also may engage a third-party to custom-build an algorithmic trading strategy for the member. In such cases, the associated person responsible for directing the third-party in the design, development or significant modification of the algorithmic trading strategy also would be included within the scope of this proposal and must be registered as a Securities Trader. Similarly, after the member has launched the externally built algorithm, any significant modification by the member to such algorithm must be performed by a registered Securities Trader.

FINRA notes that, irrespective of whether an algorithm is designed or developed in-house or by a third-party, the member employing the algorithm continues to be responsible for the algorithm’s activities. Thus, in all cases, robust supervisory procedures, both prior to and after deployment of an algorithmic trading strategy, are a key component in protecting against

supervise the lead algorithm developer with regard to other general areas applicable to registered reps, such as outside business activities.

As always, if the activities of a registered representative are assigned to be supervised by more than one registered representative or principal, the member must clearly document which activities are assigned to be supervised by each responsible party.

<sup>13</sup> *See supra* note 5.

problematic behavior stemming from algorithmic trading.<sup>14</sup> In addition, as is the case under the current rules, associated persons responsible for monitoring or reviewing the performance of an algorithmic trading strategy must be registered pursuant to NASD Rule 1032(f); a member’s trading activity must always be supervised by an appropriately registered person. Therefore, even where a firm purchases an algorithm off-the-shelf and does not significantly modify the algorithm, the associated person responsible for monitoring or reviewing the performance of the algorithm must be registered pursuant to NASD Rule 1032(f).

As noted in Item 2 of this filing, if the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no sooner than 180 days following publication of the *Regulatory Notice* but no later than 300 days following Commission approval.

### 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>15</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The prevalence of use of algorithms in the marketplace has highlighted the risks that arise when such strategies are poorly designed. FINRA has observed situations in which algorithmic trading strategies have resulted in manipulative trading activities and potential securities law violations, including of SEC Regulation NMS, SEC Regulation SHO, SEA Rule 15c3–5 and other critical market and investor protection safeguards. This proposal requires associated persons primarily responsible for the design, development or significant modification of an algorithmic trading strategy (or responsible for the day-to-day supervision or direction of such activities) to meet a minimum standard of knowledge regarding the securities rules and regulations applicable to the member employing the algorithmic trading strategy that is identical to the

<sup>14</sup> *See Regulatory Notice* 15–09 (Guidance on Effective Supervision and Control Practices for Firms Engaging in Algorithmic Trading Strategies) (March 2015).

<sup>15</sup> 15 U.S.C. 78o-3(b)(6).

standard of knowledge applicable to traditional securities traders.

FINRA believes that problematic market conduct may be reduced through improved education of firm personnel regarding securities regulations. FINRA also believes that the proposal will help clarify members' obligations with respect to FINRA's expectations regarding associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or supervision or direction of such activities). Thus, FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>16</sup> in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *Economic Impact Assessment Need for the Rule*

FINRA is concerned that associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or who are responsible for the day-to-day supervision or direction of such activities) may lack adequate knowledge regarding the securities rules and regulations applicable to FINRA members operating in the securities markets. This lack of knowledge could result in algorithms that do not comply with applicable rules. As noted above, FINRA has observed situations in which algorithmic trading strategies have resulted in manipulative trading activities and potential securities law violations. Further, FINRA notes that, under the current regulatory structure, some individuals primarily responsible for the design, development or significant modification of algorithmic trading strategies (or who are responsible for the day-to-day supervision or direction of such activities) may claim that they are not required to be aware of the firms' responsibilities under applicable securities rules and regulations. The proposed rule would close this gap in regulatory oversight.

The proposed rule change is intended to enhance investor protection by limiting the development of algorithms designed in conflict with securities rules and regulations. The proposal may also reduce uncertainty by certain market participants of their obligations. It aims to do so through a registration requirement and improved education regarding securities regulations for specified individuals involved in the algorithm design and development process.

#### *Economic Baseline*

The registration requirements for associated persons under current FINRA rules serve as an economic baseline of the proposed rule change. Currently, associated persons that solely are primarily responsible for the design, development or significant modification of an algorithmic trading strategy (or who are responsible for the day-to-day supervision or direction of such activities) are not required to register with FINRA as Securities Traders. The economic impacts of the proposal depend on the number of additional individuals that would be covered by the proposed registration requirement.

Pursuant to the proposed rule change, associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies (or responsible for the day-to-day supervision or direction of such activities) would be required to register as Securities Traders with FINRA. Under current FINRA rules, it is likely that many of the associated persons primarily responsible for the design of algorithmic trading strategies already are registered, assuming that they also engage in traditional trading activities. Associated persons primarily responsible for the development of algorithmic trading strategies are likely not registered. With regard to supervisors, as noted above, FINRA believes it appropriate for members to "assign" a lead algorithm developer engaging in covered activities to certain registered persons supervising trading activities outside such developer's usual reporting line. Therefore, many of the associated persons responsible for the day-to-day supervision or direction of the design, development or significant modification of algorithmic trading strategies may have already registered.

In *Regulatory Notice 15-06*, FINRA sought comment on the number of persons who conduct activity that may be covered by the proposed rule change, but did not receive any quantitative estimates. Given the diverse nature of the activity and organizational

structures among firms, it is not possible for FINRA to accurately estimate the number of persons who are primarily responsible for the design, development or significant modification of algorithmic trading strategies. FINRA is, however, aware of anecdotal information that suggests that these activities represent significant numbers of personnel for some firms. Currently, some firms may be organized such that the covered activities are supervised by a registered person, but in other cases the activities are managed separately.

#### *Economic Impacts*

The proposed rule change is expected to enhance investor protection and member compliance by limiting problematic conduct stemming from algorithmic trading strategies. It should also reduce uncertainty by certain market participants of their obligations.

FINRA recognizes that the proposal would impose costs on member firms employing associated persons engaged in the activity subject to the registration requirement. Specifically, among other things, additional associated persons would be required to become registered under the proposal, and the firm would need to establish policies and procedures to monitor compliance with the proposed requirement on an ongoing basis. In *Regulatory Notice 15-06*, FINRA solicited public comment on the estimated number of member firms that would be affected by the proposal, the estimated number of associated persons not currently required to register as Securities Traders that would be covered by the proposal, and the estimated costs associated with monitoring compliance with the proposed requirement. FINRA did not receive any estimates of these metrics. As discussed above, FINRA expects that most of the costs would be related to the registration and continuing education requirements for associated persons primarily responsible for the design, development or significant modification of algorithmic trading strategies. Some of the costs may be passed on to the associated persons depending on member firm policies regarding examination and examination preparation costs.

The proposal also may have indirect impacts on member firms. For example, it may discourage persons not currently required to register as Securities Traders, such as some algorithm developers, from associating with a member firm in a capacity that requires registration.

However, given the prevalence and importance of algorithmic trading strategies in today's markets, FINRA

<sup>16</sup> 15 U.S.C. 78o-3(b)(6).

believes that associated persons engaged in the activities covered by this proposal must meet a minimum standard of knowledge regarding the applicable securities rules and regulations. To mitigate the costs imposed on member firms, the proposed rule change limits the scope of registration requirement by excluding technological or development support personnel who are not primarily responsible for the covered activities. It also excludes supervisors who are not responsible for the “day-to-day” supervision or direction of the covered activities. Moreover, FINRA believes that it is appropriate for firms to “assign” lead algorithm developers or other non-traders engaging in covered activities to certain supervisors that are existing registered persons.

#### Alternatives Considered

As discussed in the Statement on Comments below, FINRA considered in-house training of firm personnel as an alternative to the proposed registration and qualification requirements. FINRA also considered whether another existing examination would be as (or more) appropriate than the Securities Trader qualification examination. FINRA believes that the proposed registration and continuing education requirements are best suited for associated persons engaging in covered activities.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

On March 19, 2015, FINRA published *Regulatory Notice 15-06* soliciting comment on the proposed registration of associated persons primarily responsible for the design, development or significant modification of an algorithmic trading strategy, or who are responsible for supervising or directing such activities. The comment period expired on May 18, 2015, and FINRA received six comment letters.<sup>17</sup> Three

<sup>17</sup> Letter from John Ramsay, Chief Market Policy Officer, IEX Services LLC, to Marcia E. Asquith, Corporate Secretary, FINRA, dated May 5, 2015 (“IEX”); letter from Abe Kohen, President, AK FE Consultants, LLC, to Marcia E. Asquith, Corporate Secretary, FINRA, dated May 15, 2015 (“AK FE Consultants”); letter from Mary Ann Burns, Chief Operating Officer, FIA Principal Traders Group, to Marcia E. Asquith, Corporate Secretary, FINRA, dated May 18, 2015 (“FIA PTG”); letter from Michael Hinel, Law Student Clinician, Michigan State University College of Law, to Marcia E. Asquith, Corporate Secretary, FINRA, dated May 18, 2015 (“Michigan State”); letter from Tom C.W. Lin, Associate Professor of Law, Temple University Beasley School of Law, to Marcia E. Asquith, Corporate Secretary, FINRA, dated May 18, 2015 (“Temple”); and letter from Richard J. McDonald, Chief Regulatory Counsel, Susquehanna International Group, to Marcia E. Asquith,

comment letters generally support the goal sought to be advanced by FINRA’s proposal—*i.e.*, to help prevent securities law violations from occurring through use of algorithmic trading strategies, though some commenters suggest alternatives to the proposed approach or request clarifications.<sup>18</sup>

#### Scope of “Algorithmic Trading Strategy”

IEX requests clarification on the rule’s application to different types of order routers; particularly treatment of smart order routers that route orders received from customers, but may break the order into “child” orders. IEX states that it would not object to the coverage of such routers, but requests clarification as to the proposal’s intended scope with respect to these routers. FINRA confirms that a smart order router that breaks orders into “child” orders is within the scope of “algorithmic trading strategy” as contemplated in this proposal.

FIA PTG proposes expanding the types of systems that would fall within the scope of the Rule to include strategies that are not fully automated. FIA PTG believes that partially automated strategies may present the same potentially problematic issues as fully automated strategies. Thus, FIA PTG recommends that the proposal apply to persons engaged in the development of “automated trading functionality” rather than “algorithmic trading strategies.” FIA PTG believes this broader term—automated trading functionality—would better capture examples of both professional and retail trading systems that offer automated features, such as automation of order book sensitive pricing, automatic short order locate and marking logic, automation of trade timing based on moving reference prices, and automation of hedging or loss-limit orders among other software features.

FINRA does not believe it is appropriate at this time to modify the proposal as suggested by FIA PTG. FINRA believes that it is appropriate initially to focus the scope of the Rule on systems equipped to engage in activity that could potentially result in securities law violations and, thus, has limited the scope of the proposal to automated systems that generate or route orders (or order-related messages), but does not include automated systems

Corporate Secretary, FINRA, dated May 18, 2015 (“SIG”).

<sup>18</sup> AK FE Consultants’ letter seems to misunderstand the scope of the proposed registration requirement as reaching to consultant developers that are not associated persons. As noted above, the current proposal applies to persons associated with a member firm.

that solely route orders received in their entirety to a market center. FINRA also determined to focus the proposal on the covered activities (design, development and significant modification activities, and the day-to-day supervision or direction of such) to the extent that there was no material human intervention. Therefore, partially automated strategies would not fall within the proposal’s scope (unless such systems otherwise met the definition of “algorithmic trading strategy” as discussed herein). Finally, FINRA believes that some of the functionality described by FIA PTG—*e.g.*, automation of trade timing based on moving reference prices and automation of hedging or loss-limit orders—may currently fall within the scope of the proposal and, therefore, would be covered. FINRA will further consider whether the scope of the Rule should be broadened to cover a wider range of systems once experience has been gained with the proposed narrower scope.

#### Scope of Application to Supervisors

IEX notes that, as drafted, the proposal applies to persons (i) primarily responsible for the design, development or significant modification of an algorithmic trading strategy or (ii) responsible for supervising or directing such activities. IEX suggests that the second prong should be revised to cover persons responsible for the “day-to-day” supervision or direction of such activities, to more clearly reflect the proposal’s intended scope. FINRA agrees that the proposal is intended to capture only those involved in the day-to-day supervision or direction of the covered activities, and has revised the proposed rule text to reflect this change.

#### Impact on Technology Professionals Associated With Member Firms

FIA PTG states that it agrees with FINRA’s view that support personnel should not be required to register. FIA PTG argues that, in addition to excluding technological or development support personnel who are not primarily responsible for the covered activities, FINRA also should exclude users of software, researchers, infrastructure developers, hardware technicians, and operations development staff.

FINRA does not believe modification of the proposal is necessary. Particularly, to the extent that an associated person’s activities are limited to using software in a manner that does not amount to engaging in the covered activities, FINRA believes the proposal already is clear that such persons would

not be covered. In the case of the other types of personnel FIA PTG references by general job category (e.g., infrastructure developers), FINRA notes that an assessment of such persons' activities with respect to algorithms should govern whether they are captured by the proposal, rather than a wholesale exemption based on a general job category.

SIG believes that a registration requirement would discourage well-qualified developers from participating in the development of algorithmic trading strategies and affiliating with FINRA member firms, which SIG states would be broadly and materially counter-productive and may result in less market stability due to less qualified developers building algorithms. Similarly, FIA PTG notes that any time a registration requirement is not reasonably related to the role or expectations of a professional, it becomes an impediment to hiring and retention. However, FIA PTG also notes that the impact can be mitigated by avoiding prescriptive definitions, and allowing firms to use discretion when identifying the individuals who would require registration.

FINRA is sensitive to the impact of the proposal on persons not currently required to register pursuant to NASD Rule 1032(f). However, given the important role that certain associated persons play in the ultimate trading activities engaged in by member firms through the employment of algorithms, FINRA continues to believe it is important to balance the concerns raised by FIA PTG and SIG with the goal of facilitating compliance with critical market and investor protection rules and, thus, has focused the scope of the proposal on those associated persons primarily responsible for the design development and significant modification of algorithmic trading strategies (and those responsible for the day-to-day supervision and direction of such activities), rather than entire departments or general job functions. As suggested by FIA PTG, FINRA's proposal places within the responsibility of each member the task of identifying the individual or individuals primarily responsible for the activities covered by the proposal and, thus, avoids overbroad application of the Rule.

#### Alternatives to a FINRA Registration Requirement

SIG disagrees that a FINRA registration requirement would be effective in preventing algorithm trading strategies that result in improper activities or securities law violations.

SIG believes that robust systems controls are the most effective means of preventing the concerns raised; however, additional efforts suggested include training of technology staff, including a continuing education component (without a registration requirement), and chaperoning requirements for non-registered personnel. Michigan State supports the proposal and believes that it strikes an appropriate balance and will effectively promote both investor protection and market integrity.<sup>19</sup>

FINRA agrees that robust systems controls are a critical component in any discussion around the regulation of algorithmic trading. However, education of those responsible for the creation of an algorithmic trading strategy is a separate and equally important consideration. For example, even if an algorithm never malfunctions from a technological standpoint, its behavior nonetheless may violate securities laws if appropriate constraints were not built into the design and development phases that ensure any order generated by the algorithm observes applicable regulatory standards (e.g., entry of only *bona fide* orders) and incorporates necessary related tasks (e.g., short order marking and performing locates). In addition, while in-house training of firm personnel is important, FINRA does not believe it is a suitable substitution for registration and qualification in the area of securities trading.<sup>20</sup>

<sup>19</sup> Temple somewhat supports the proposal, but suggests that the registration requirement be more firm-focused than person-focused, so that the firms with the most potential market impact would be required to register. FINRA disagrees, and believes that all persons covered by a registration category should be appropriately qualified.

Temple also suggests that, in light of the rapid pace of financial innovation and technology, proposed rule initiatives should be structured as pilots, having sunset provisions, or other time-sensitive mechanisms to help support the goal of rules that are reflective of the marketplace. FINRA does not believe the registration requirement should be implemented on a pilot basis, and notes that registration requirements and accompanying examinations remain reflective of the marketplace on an ongoing basis through regular review of examination content outlines and continuing educational requirements.

<sup>20</sup> FIA PTG supports a FINRA registration requirement, but requests that a broader range of examinations be considered acceptable for purposes of the proposal, such as the Series 7. FINRA has considered whether another existing examination would be as (or more) appropriate than the Series 57, as well as whether a new examination should be created for this purpose, and continues to believe that, at this time, the Securities Trader registration category is best suited to educate associated persons that engage in the activities covered by the proposal.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2016-007 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-FINRA-2016-007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such



filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2016-007 and should be submitted on or before March 16, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2016-03794 Filed 2-23-16; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

[Public Notice 9453]

### Culturally Significant Objects Imported for Exhibition Determinations: “Gods and Mortals at Olympus: Ancient Dion, City of Zeus” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition “God and Mortals at Olympus: Ancient Dion, City of Zeus,” imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Onassis Cultural Center, New York, New York, from on about March 24, 2016, until on or about June 18, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S.

Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

Dated: February 12, 2016.

**Mark Taplin,**

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2016-03878 Filed 2-23-16; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 9452]

### Culturally Significant Object Imported for Exhibition Determinations: “Fables Across Time: Kalila and Dimna” Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257-1 of December 11, 2015), I hereby determine that the object to be included in the exhibition “Fables Across Time: Kalila and Dimna,” imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Children’s Museum of Indianapolis, Indianapolis, Indiana, from on about March 18, 2016, until on or about June 12, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

Dated: February 17, 2016.

**Mark Taplin,**

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2016-03879 Filed 2-23-16; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice for Los Angeles International Airport, Los Angeles, California

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Los Angeles World Airports, for Los Angeles International Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

**DATES:** The effective date of the FAA’s determination on the noise exposure maps is February 24, 2016 and applicable February 12, 2016.

**FOR FURTHER INFORMATION CONTACT:** Victor Globa, Environmental Protection Specialist, Federal Aviation Administration, Los Angeles Airports District Office, Mailing Address: P.O. Box 92007, Los Angeles, California 90009-2007. Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: 310/725-3637.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Los Angeles International Airport are in compliance with applicable requirements of Title 14, Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as “Part 150”), effective February 12, 2016. Under 49 U.S.C. Section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as “the Act”), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government

<sup>21</sup> 17 CFR 200.30-3(a)(12).

agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by Los Angeles World Airports. The documentation that constitutes the “Noise Exposure Maps” as defined in Section 150.7 of Part 150 includes: Exhibit 5–1, 2015 Noise Exposure Map (Existing Conditions)—Los Angeles International Airport; Exhibit 5–2, 2020 Noise Exposure Map (Future Conditions)—Los Angeles International Airport. The Noise Exposure Maps contain current and forecast information including the depiction of the airport and its boundary; the runway configurations, land uses such as residential, commercial, industrial, and open space/recreational land use; locations of noise sensitive public buildings (such as schools, hospitals, and historic properties on or eligible for the National Register of Historic Places); and the Community Noise Equivalent Level (CNEL) 65, 70, and 75 decibel airport noise contours resulting from existing and forecast airport operations. The frequency of airport operations is described in Section 4.6.1 of the Noise Exposure Map Update report. Flight tracks associated with Los Angeles International Airport are depicted in Exhibits 4–3 thru 4–10a. The Los Angeles International Airport noise monitoring system is described in Section 4.7 and monitoring locations are shown on Exhibit 4–12 of the Noise Exposure Map Update report. Estimates of the number of people residing within the CNEL contours is located in Section 5.5 of the Noise Exposure Map Update report. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on February 12, 2016.

FAA’s determination on an airport operator’s noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant’s data, information or plans, or a commitment to approve a noise

compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA’s review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA’s evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,  
Western-Pacific Region Office,  
Airports Division, Room 3012, 15000  
Aviation Boulevard, Hawthorne,  
California 90261.

Federal Aviation Administration, Los  
Angeles Airports District Office,  
Room 3000, 15000 Aviation  
Boulevard, Hawthorne, California  
90261.

Los Angeles International Airport, Los  
Angeles World Airports, Attention:  
Mr. Scott Tatro, Airport  
Environmental Manager II, 1 World  
Way, Los Angeles, California 90045.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California, February 12, 2016.

**Robin K. Hunt,**

*Acting Manager, Airports Division, AWP-600,  
Western-Pacific Region.*

[FR Doc. 2016–03807 Filed 2–23–16; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA 2016–0002–N–7]

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requests (ICRs) for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than April 25, 2016.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Safety, Regulatory Safety Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590, or Ms. Kimberly Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, “Comments on OMB control number 2130–\_\_\_\_\_”. Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via email to Mr. Brogan at [Robert.Brogan@dot.gov](mailto:Robert.Brogan@dot.gov), or to Ms. Toone at [Kim.Toone@dot.gov](mailto:Kim.Toone@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Information Collection Clearance Officer, Office of Safety, Regulatory Safety Analysis Division,

RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the

information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it

organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the currently approved ICRs that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Designation of Qualified Persons.

*OMB Control Number:* 2130-0511.

*Abstract:* The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect freight cars for compliance and to determine restrictions on the movements of defective cars.

*Form Number(s):* N/A.

*Affected Public:* Businesses.

*Respondent Universe:* States and Railroads.

*Frequency of Submission:* On occasion.

*Respondent Universe:* 5 Manufacturers.

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
215.11—Designation of Inspectors—Written Records.	673 railroads .....	1,200 records .....	2 minutes .....	40

*Frequency of Submission:* On occasion.  
*Total Estimated Responses:* 1,200.  
*Total Estimated Total Annual Burden:* 40 hours.  
*Type of Request:* Extension of a currently approved collection.  
*Title:* Qualifications for Locomotive Engineers.  
*OMB Control Number:* 2130-0533.  
*Abstract:* Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Public

Law 100-342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103-272, 108 Stat. 874 (July 5, 1994), required that FRA issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of

information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

*Affected Public:* Businesses.

*Respondent Universe:* 733 railroads.

*Frequency of Submission:* On occasion; annually; tri-annually.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
240.9—Waivers .....	763 railroads .....	3 waiver petitions .....	90 minutes .....	5
240.101/103:—Cert. Prog.—Amendmnts:	763 railroads .....	50 amendments .....	1 hour .....	50
—Cert. Prog.—New .....	20 railroads .....	20 programs .....	40 hours .....	800
—Final Review .....	20 railroads .....	20 reviews .....	1 hour .....	20
—Material Modification to Program .....	763 railroads .....	30 modified programs ..	45 minutes .....	23
240.105(b)—Selection Criteria for DSLEs—Exams.	763 railroads .....	50 examinations .....	1 hour .....	50
(c) Written Reports/ .....				
Determinations of DSLE Performance Skills .....	10 railroads .....	10 reports .....	1 hour .....	10
240.109/App. C—Prior Safety Conduct Data .....	17,667 candidates .....	25 responses .....	60 minutes .....	25
240.111/App C—Driver's License Data .....	17,667 candidates .....	17,667 requests .....	15 minutes .....	4,417
—NDR Match—notifications and requests for data.	763 railroads .....	177 notices + 177 re-requests.	15 min. + 15 min .....	89
—Written response from candidate on driver's lic. data.	763 railroads .....	20 cases/comments .....	30 minutes .....	10
240.111(g)—Notice to RR of Absence of License.	53,000 candidates .....	4 letters .....	15 minutes .....	1

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
240.111(h)—Duty to furnish data on prior safety conduct as motor vehicle op.	763 railroads .....	200 phone calls .....	10 minutes .....	33
240.113—Notice to RR Furnishing Data on Prior Safety Conduct—Diff. RR.	17,667 candidates .....	353 requests + 353 responses.	15 min./30 min .....	265
240.119—Self-referral to EAP re: active substance abuse disorder.	53,000 locomotive engineers.	50 self-referrals .....	5 minutes .....	4
240.121—Criteria—Vision/Hearing Acuity Data—New Railroads.	20 railroads .....	20 copies .....	15 minutes .....	5
240.121—Criteria—Vision/Hearing Acuity Data—Cond. Certification.	763 railroads .....	20 reports .....	1 hour .....	20
240.121—Criteria—Vision/Hearing Acuity Data—Not Meeting Standards—Notice by Employee.	763 railroads .....	10 notifications .....	15 minutes .....	3
240.127—Criteria for Examining Skill Performance—Modification to Certification Program to Include Scoring System.	763 railroads .....	191 amended programs	48 hours + 8 hours .....	1,968
240.201/221—List of Qualified DSLEs .....	763 railroads .....	763 updates .....	60 minutes .....	763
240.201/221—List of Qualified Loco. Engineers	763 railroads .....	763 updated lists .....	60 minutes .....	763
240.201/223/301—Loco. Engineers Certificate ...	53,000 candidates .....	17,667 certificates .....	5 minutes .....	1,472
—False entry on certificates .....	N/A .....	N/A .....	N/A .....	N/A
240.205—Data to EAP Counselor .....	763 railroads .....	177 records .....	5 minutes .....	15
240.207—Medical Certificate Showing Hearing/Vision Standards are Met.	53,000 candidates .....	17,667 certificates .....	70 minutes .....	20,612
—Written determinations waiving use of corrective device.	763 railroads .....	30 determinations .....	2 hours .....	60
240.219—Denial of Certification .....	17,667 candidates .....	30 letters + 30 responses.	1 hour .....	60
—Notification to Employee of Adverse Decision.	763 railroads .....	30 notifications .....	1 hour .....	30
240.227—Canadian Certification Data .....	N/A .....	N/A .....	N/A .....	N/A
240.229—Joint Operations—Notice—not qualified.	321 railroads .....	184 employee calls .....	5 minutes .....	15
240.309—RR Oversight Resp.: Detected Poor Safety Conduct—Annotation.	15 railroads .....	6 annotations .....	15 minutes .....	2
Testing Requirements:				
240.209/213—Written Tests .....	53,000 candidates .....	17,667 tests .....	2 hours .....	35,334
240.211/213—Performance Test .....	53,000 candidates .....	17,667 tests .....	2 hours .....	35,334
240.303—Annual operational monitor observation.	53,000 candidates .....	53,000 tests/docs .....	2 hours .....	106,000
240.303—Annual operating rules compliance test.	53,000 candidates .....	53,000 tests .....	1 hour .....	53,000
Recordkeeping:				
240.215—Retaining Info. Supporting Determination.	763 railroads .....	17,667 records .....	30 minutes .....	8,834
240.305—Engineer's Notice of Non-Qualification to RR:	53,000 engineers or candidates.	100 notifications .....	5 minutes .....	8
—Relaying Certification Denial or Revocation Status to other certifying railroad.	1,060 engineers .....	2 letters .....	30 minutes .....	1
240.307—Notice to Engineer of Disqualification	763 railroads .....	900 letters .....	1 hour .....	900
240.309—Railroad Annual Review .....	51 railroads .....	51 reviews .....	40 hours .....	2,040
—Report of findings .....	51 railroads .....	12 reports .....	1 hour .....	12

Total Responses: 216,863.

Estimated Total Annual Burden: 272,672 hours.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on February 18, 2016.

Corey Hill,

Acting Executive Director.

[FR Doc. 2016–03754 Filed 2–23–16; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2016–0001]

Proposed Information Collections; Comment Request (No. 58)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995,

we invite comments on the proposed or continuing information collections listed below in this notice.

**DATES:** We must receive your written comments on or before April 25, 2016.

**ADDRESSES:** As described below, you may send comments on the information collections listed in this document using the "Regulations.gov" online comment form for this document, or you may send written comments via U.S. mail or hand delivery. TTB no longer accepts public comments via email or fax.

- <http://www.regulations.gov>: Use the comment form for this document posted within Docket No. TTB-2015-0001 on "Regulations.gov," the Federal e-rulemaking portal, to submit comments via the Internet;

- *U.S. Mail:* Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.

- *Hand Delivery/Courier in Lieu of Mail:* Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection listed in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB number (if any) in your comment.

You may view copies of this document, the information collections listed in it and any associated instructions, and all comments received in response to this document within Docket No. TTB-2015-0001 at <http://www.regulations.gov>. A link to that docket is posted on the TTB Web site at <http://www.ttb.gov/forms/comment-on-form.shtml>. You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting Michael Hoover at the addresses or telephone number shown below.

**FOR FURTHER INFORMATION CONTACT:**

Michael Hoover, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005; telephone 202-453-1039, ext. 135; or email [informationcollections@ttb.gov](mailto:informationcollections@ttb.gov) (please do not submit comments on this notice to this email address).

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their

continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether this information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

**Information Collections Open for Comment**

Currently, we are seeking comments on the following forms, recordkeeping requirements, or questionnaires:

*Title:* Inventory—Export Warehouse Proprietor.

*OMB Number:* 1513-0035.

*TTB Form Number:* F 5220.3.

*Abstract:* Export warehouse proprietors use TTB F 5220.3 to record inventories of tobacco products, cigarette papers and tubes, and processed tobacco as required by Federal law at 26 U.S.C. 5721 and by the TTB regulations.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 80.

*Estimated Total Annual Burden Hours:* 400.

*Title:* Stills: Notices, Registration, and Records.

*OMB Number:* 1513-0063.

*TTB Recordkeeping Requirement Number:* REC 5150/8.

*Abstract:* The law (26 U.S.C. 5101 and 5179) and implementing regulations have, through notice, registration, and recordkeeping requirements, established a comprehensive system for regulating stills. This information collection covers the collections of information mandated or authorized by law or regulation with respect to stills, and consists of notices regarding the manufacture and set up of stills, the registration of stills, notices regarding changes in ownership or location of stills, and records related to these notices and registrations. TTB uses this information to identify distillers and to account for and regulate the distillation of distilled spirits to protect the revenue.

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

*Affected Public:* Businesses or other for-profits.

*Affected Public:* Businesses and other for-profits.

*Estimated Number of Respondents:* 10.

*Estimated Total Annual Burden Hours:* 42.

*Title:* Records of Operations—Manufacturer of Tobacco Products or Processed Tobacco.

*OMB Number:* 1513-0068.

*TTB Recordkeeping Requirement Number:* REC 5210/1.

*Abstract:* Under the Internal Revenue Code at 26 U.S.C. 5741 every manufacturer of tobacco products or processed tobacco is required to keep such records as the Secretary of the Treasury prescribes through regulation. The TTB regulations set forth the records that must be kept, showing such information of as necessary to provide adequate accountability over the receipt, production, and disposition of these commodities to prevent diversion and protect the potential Federal tax revenue.

*Current Actions:* TTB is submitting this collection as a revision. The information collection remains unchanged. However, TTB is increasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to an increase in the number of tobacco product and processed tobacco manufacturers regulated by TTB.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 210.

*Estimated Total Annual Burden Hours:* 420.

*Title:* Tobacco Export Warehouse—Records of Operations.

*OMB Number:* 1513–0070.

*TTB Recordkeeping Requirement Number:* REC 5220/1.

*Abstract:* In general, export warehouses store untaxed tobacco products, processed tobacco, and cigarette papers and tubes until these commodities are exported. Under the authority of the Internal Revenue Code at 26 U.S.C. 5741 TTB regulations requires certain records of receipt and disposition of the commodities in order to protect the revenue and prevent diversion. These records allow TTB to verify that the commodities have been exported or that Federal tobacco excise tax liabilities have been satisfied.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 80.

*Estimated Total Annual Burden Hours:* 1 (one).

*Title:* Applications and Notices—Manufacturers of Nonbeverage Products.

*OMB Number:* 1513–0072.

*TTB Recordkeeping Requirement Number:* REC 5530/1.

*Abstract:* Under the authority of 26 U.S.C. 5132, TTB regulations require that letterhead applications and notices be submitted by manufacturers of nonbeverage products who are using distilled spirits on which drawback will be claimed. TTB uses this information to ensure that operations are in compliance with the law, to prevent spirits from being diverted to beverage use, and to protect the revenue.

*Current Actions:* TTB is submitting this collection as a revision. The information collection remains unchanged. However, TTB is increasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to an increase in the number of nonbeverage product manufacturers regulated by TTB.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 515.

*Estimated Total Annual Burden Hours:* 515.

*Title:* Records of Things of Value to Retailers, and Occasional Letter Reports from Industry Members Regarding Information on Sponsorships, Advertisements, Promotions, etc., under the FAA Act.

*OMB Number:* 1513–0077.

*TTB Recordkeeping Requirement Number:* REC 5190/1.

*Abstract:* TTB collects the information covered under this information collection to verify industry members' compliance with the provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 *et seq.*), which prevents wholesalers, producers, or importers from giving things of value to retail liquor dealers, and which also prohibits industry members from conducting certain types of sponsorships, advertisements, promotions, etc. The information in this collection includes records of certain items furnished to retailers.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

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

*Affected Public:* Businesses or other for-profits; Individuals or Households.

*Estimated Number of Respondents:* 12,665.

*Estimated Total Annual Burden Hours:* 2.112.

*Title:* Application for Permit to Manufacture or Import Tobacco Products or Processed Tobacco or to Operate an Export Warehouse, and Applications to Amend Such Permits.

*OMB Number:* 1513–0078.

*TTB Form Numbers:* F 5200.3, F 5200.16, F 5230.4, and F 5230.5.

*Abstract:* Federal law requires that manufacturers and importers of tobacco products or processed tobacco and export warehouse proprietors apply for and obtain a permit before engaging in such operations (see 26 U.S.C. 5712 and 5713). The application forms that make up this information collection are used by tobacco industry members to obtain and amend the TTB permits necessary to engage in these businesses.

*Current Actions:* TTB is submitting this collection as a revision. The information collection remains unchanged. However, TTB is decreasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to a decrease in the number of new and amended tobacco manufacturer and tobacco importer permit applications received by TTB.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 300.

*Estimated Total Annual Burden Hours:* 450.

*Title:* Equipment and Structures (TTB REC 5110/12).

*OMB Number:* 1513–0080.

*TTB Recordkeeping Requirement Number:* REC 5110/12.

*Abstract:* To safeguard the revenue from this tax, the Internal Revenue Code provides, at 26 U.S.C. 5180, that a distilled spirits plant proprietor shall post a sign identifying the premises and, at 26 U.S.C. 5178, that the Secretary shall prescribe regulations relating to the location, construction, and arrangement of the plant so as to facilitate inspection and protect the revenue. At distilled spirits plants, the TTB regulations require marks, signs, and calibrations be placed on buildings, rooms, stills, tanks, and other major equipment. TTB uses this information during revenue inspections to identify the use and capacity of the structures or equipment.

*Current Actions:* TTB is submitting this collection as a revision. The information collection is unchanged. Also, because this information collection consists of marks, signs, and calibrations displayed or made in the normal course of business, the annual burden hours associated with this collection remain unchanged. However, TTB is increasing the estimated number of respondents associated with this information collection due to an increase in the number of distilled spirits plants regulated by TTB.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 2,200.

*Estimated Total Annual Burden Hours:* 1 (one).

*Title:* Labeling of Sulfites in Alcohol Beverages.

*OMB Number:* 1513–0084.

*TTB Recordkeeping Requirement Number:* None.

*Abstract:* As mandated by law and as part of TTB's mission to protect the consumer, TTB requires label disclosure statements on all alcohol beverage products released from U.S. bottling premises or customs custody that contain 10 parts per million or more of sulfites. Sulfites have been shown to cause allergic reactions in certain persons, and this disclosure warns such

persons of the presence of sulfites in alcohol beverages so that they may avoid this allergen.

*Current Actions:* TTB is submitting this collection as a revision. The information collection remains unchanged. However, TTB is increasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to an increase in the number of industry members regulated by TTB who bottle or import sulfite-containing alcohol beverages.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 18,700.

*Estimated Total Annual Burden Hours:* 12,455.

*Title:* Application for Extension of Time for Payment of Tax.

*OMB Number:* 1513-0093.

*TTB Form Number:* F 5600.38.

*Abstract:* TTB uses the information collected on form TTB F 5600.38 to determine if a taxpayer meets the criteria to be granted an extension of the time period to make their tax payment because of circumstances beyond the taxpayer's control.

*Current Actions:* TTB is submitting this collection as a revision. The information collection remains unchanged. However, TTB is increasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to an increase in the number of industry members requesting an extension of time for payment of tax.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 30.

*Estimated Total Annual Burden Hours:* 8.

*Title:* Supporting Data for Nonbeverage Drawback Claims.

*OMB Number:* 1513-0098.

*TTB Form Number:* F 5154.2.

*Abstract:* Manufacturers of nonbeverage alcohol products use TTB F 5451.2 to submit the data required to support claims for drawback of Federal alcohol excise taxes. TTB uses the data collected on this form to verify claims for drawback of taxes and, hence, to protect the revenue. This form is used to verify that all distilled spirits can be accounted for and that drawback is paid only in the amount prescribed by law.

*Current Actions:* TTB is submitting this collection as a revision. The form

remains unchanged. However, TTB is decreasing the estimated number of respondents and the resulting total annual burden hours associated with this information collection due to a decrease in the number of drawback claims TTB receives.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 392.

*Estimated Total Annual Burden Hours:* 2,272.

*Title:* Record of Operations—Importer of Tobacco Products or Processed Tobacco.

*OMB Number:* 1513-0106.

*TTB Recordkeeping Requirement Number:* None.

*Abstract:* Under the authority of the Internal Revenue Code at 26 U.S.C. 5741, the TTB regulations require importers of tobacco products or processed tobacco to maintain records of physical receipts and disposition of tobacco products or processed tobacco. The respondents use these usual and customary business records to prepare TTB Form 5220.6, Monthly Report—Tobacco Products or Processed Tobacco (approved under OMB control number 1513-0107).

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 586.

*Estimated Total Annual Burden Hours:* 1 (one).

*Title:* Application, Permit and Report—Wine and Beer (Puerto Rico), and Application, Permit and Report—Distilled Spirits Products (Puerto Rico).

*OMB Number:* 1513-0123.

*TTB Form Numbers:* F 5100.21 and F 5110.51.

*Abstract:* TTB Form 5100.21 is an application and permit to compute the Federal excise tax on, tax pay, and withdraw shipments of wine or beer from Puerto Rico to the United States, as substantively required by 27 CFR 26.93. TTB Form 5110.51 is an application and permit to compute the Federal excise tax on, tax pay, and withdraw shipments of distilled spirits products from Puerto Rico to the United States, as substantively required by 27 CFR 26.78.

*Current Actions:* We are submitting this information collection for extension purposes only. The information collection, estimated number of respondents, and estimated number of burden hours remain unchanged.

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

*Affected Public:* Businesses or other for-profits.

*Estimated Number of Respondents:* 35.

*Estimated Total Annual Burden Hours:* 6.

Dated: February 18, 2016.

**Amy R. Greenberg,**

*Director, Regulations and Rulings Division.*

[FR Doc. 2016-03859 Filed 2-23-16; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 19, 2016.

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 comment on a new information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Comments should be received on or before March 10, 2016.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the Department of the Treasury, Departmental Offices, Office of Financial Stability, ATTN: Hannah Resig, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to [PRA@treasury.gov](mailto:PRA@treasury.gov) or (202) 622-1295.

### Departmental Offices

*OMB Control Number:* 1505-NEW.

*Type of Review:* New collection.

*Title:* Hardest Hit Fund Application.

*Abstract:* The Department of the Treasury (Treasury) established the Housing Finance Agency Innovation Fund for Hardest Hit Housing Markets (Hardest Hit Fund or HHF) in 2010, pursuant to the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201, *et seq.*). The objective of HHF is to provide funding to the states that were most severely impacted by the foreclosure crisis. Funds are provided through Treasury's Troubled Asset

Relief Program (TARP), and are used by state housing finance agencies and their designated partners (collectively, HFAs) to help prevent foreclosure and stabilize state housing markets through programs tailored to local conditions. Recognizing the current and persistent need among states participating in HHF, Congress enacted legislation in December 2015,

authorizing Treasury to commit up to \$2 billion in additional TARP funds to that program. Treasury plans to allocate these funds among participating HHF states based on each area's current needs and ability to effectively utilize the additional funds. This information collection provides instructions for HFAs to apply for the funds.

*Affected Public:* State, local, or tribal governments.

*Estimated Total Annual Burden Hours:* 760.

**Brenda Simms,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2016-03866 Filed 2-23-16; 8:45 am]

**BILLING CODE 4810-25-P**





# FEDERAL REGISTER

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Part II

## Department of Commerce

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National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 226

Endangered and Threatened Species; Designation of Critical Habitat for Lower Columbia River Coho Salmon and Puget Sound Steelhead; Final Rule

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 223 and 226**

[Docket No. 110726419-6003-02]

RIN 0648-BB30

**Endangered and Threatened Species; Designation of Critical Habitat for Lower Columbia River Coho Salmon and Puget Sound Steelhead**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** We, the National Marine Fisheries Service (NMFS), issue a final rule to designate critical habitat for lower Columbia River coho salmon (*Oncorhynchus kisutch*) and Puget Sound steelhead (*O. mykiss*) pursuant to the Endangered Species Act (ESA). The specific areas designated for lower Columbia River coho include approximately 2,300 mi (3,701 km) of freshwater and estuarine habitat in Oregon and Washington. The specific areas designated for Puget Sound steelhead include approximately 2,031 mi (3,269 km) of freshwater and estuarine habitat in Puget Sound, WA. In developing this final rule we considered public and peer review comments, as well as economic and other relevant impacts. We are excluding a number of particular areas from designation because the benefits of exclusion outweigh the benefits of inclusion, and exclusion will not result in the extinction of the species.

**DATES:** This final rule becomes effective on March 25, 2016.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of this final rule, are available for public inspection by appointment, during normal business hours, at the National Marine Fisheries Service, NMFS, Protected Resources Division, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. The final rule, maps, and other materials relating to these designations can be found on our Web site at [http://www.westcoast.fisheries.noaa.gov/habitat/critical\\_habitat/critical\\_habitat\\_on\\_the\\_wc.html](http://www.westcoast.fisheries.noaa.gov/habitat/critical_habitat/critical_habitat_on_the_wc.html).

**FOR FURTHER INFORMATION CONTACT:** Steve Stone, NMFS, West Coast Region, Protected Resources Division, at the address above or at 503-231-2317; or Maggie Miller, NMFS, Office of

Protected Resources, Silver Spring, MD, 301-427-8403.

**SUPPLEMENTARY INFORMATION:****Background**

We are responsible for determining whether species, subspecies, or distinct population segments (DPSs) are threatened or endangered and which areas of their habitat constitute critical habitat for them under the ESA (16 U.S.C. 1531 *et seq.*). To be considered for listing under the ESA, a group of organisms must constitute a “species,” which is defined in section 3 to include “any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.” We have determined that a group of Pacific salmon populations (including lower Columbia River coho) qualifies as a DPS if it is substantially reproductively isolated and represents an important component in the evolutionary legacy of the biological species (56 FR 58612, November 20, 1991). A group of Pacific steelhead populations qualifies as a DPS if it is markedly separate and significant to its taxon (61 FR 4722, February 7, 1996; 71 FR 834, January 5, 2006). In previous rulemakings, we determined that lower Columbia River coho (70 FR 37160, June 28, 2005) and Puget Sound steelhead (72 FR 26722, May 11, 2007) are each DPSs that warrant protection as threatened species under the ESA. We also determined that critical habitat was not determinable at the time of those final listing decisions and announced that we would designate critical habitat in separate rulemaking.

Since the time of listing, the recovery planning process has progressed for these two DPSs and additional new information is now available to better inform the designation process. In view of these developments, we published an advance notice of proposed rulemaking (ANPR) on January 10, 2011 (76 FR 1392), to make the public aware of the opportunity to provide us with comments and information that may be useful in making proposed critical habitat designations for these two DPSs. We received several comments and datasets in response to the ANPR and these were reviewed and incorporated as appropriate into documents and analyses supporting our proposed rule that was published on January 14, 2013 (78 FR 2726). The specific areas proposed for designation for lower Columbia River coho included approximately 2,300 mi (3,701 km) of freshwater and estuarine habitat in Oregon and Washington. The specific

areas proposed for designation for Puget Sound steelhead included approximately 2,031 mi (3,268 km) of freshwater and estuarine habitat in Puget Sound, WA. We proposed to exclude a number of particular areas from designation because the benefits of exclusion outweighed the benefits of inclusion and we determined that exclusion would not result in the extinction of the DPSs.

The proposed rule (78 FR 2726, January 14, 2013) provided background on the process and rationale we used to identify critical habitat for lower Columbia River coho salmon and Puget Sound steelhead, including: the species’ biology and habitat use, the statutory and regulatory aspects of critical habitat designations, and the methods and criteria used to identify critical habitat. More details regarding life history and habitat requirements of lower Columbia River coho and Puget Sound steelhead are found later in this final rule under Species Descriptions and Area Assessments, as well as in the proposed rule, agency status reviews (NMFS, 2001; NMFS, 2005a; NMFS, 2011), and a biological report supporting this rulemaking (NMFS, 2015a).

**Summary of Changes From the Proposed Critical Habitat Designation**

After considering public comments received and updating the best scientific information available, in this final rule we have made the following changes from the proposed rule: (1) Added 74 miles (119 km) of occupied habitat to the critical habitat designation for lower Columbia River coho; (2) removed 82 miles (132 km) of areas incorrectly identified as occupied by lower Columbia River coho in the proposed critical habitat designation; (3) added 101 miles (163 km) of occupied habitat to the critical habitat designation for Puget Sound steelhead; (4) removed 27 miles (43 km) of areas incorrectly identified as occupied by Puget Sound steelhead in the proposed critical habitat designation; (5) designated critical habitat in 85 miles (137 km) of occupied steelhead habitat on the Kitsap Peninsula originally proposed for exclusion; and (6) corrected the erroneous reference to the Puget Sound subbasin in our regulations. These changes from the proposed rule are discussed further below in the response to comments and summarized for each specific watershed in the range of the DPSs in Tables 1 and 2.

We are also adding regulatory text to update the column labeled “Critical habitat” in the table of threatened species in 50 CFR 223.102(e) to cross-reference this final critical habitat

designation for the lower Columbia River coho and Puget Sound steelhead DPSs.

### Summary of Comments and Responses

We requested comments on the proposed rule and associated supporting reports to designate critical habitat for lower Columbia River coho and Puget Sound steelhead. The draft biological report and draft economic analysis were also each reviewed by three peer reviewers. We received 22 individual submissions in response to the proposed rule. All of the comments received, including those of two peer reviewers, expressed either general support for designating critical habitat or support for our exclusion of particular areas within the larger designated areas. The comments received and our responses to them are summarized by topic below.

#### Occupied Areas

*Comment 1:* Several commenters, including fisheries co-managers, raised issues about the fish distribution data used to identify occupied areas. One commenter believed that we had defined occupied areas too narrowly and, as a result, greatly underestimated the current and historical extent of species distribution. This and other commenters expressed particular concern about the data used to identify areas occupied by Puget Sound steelhead, noting that our maps appeared to be incomplete and that steelhead would be expected to be more widespread than Puget Sound Chinook.

*Response:* In determining which occupied areas to consider as critical habitat we relied on the statutory definition of critical habitat (ESA section 3(5)(A)) and our regulations at 50 CFR 424.12 and focused on identifying the specific areas within the geographical area occupied by the species, at the time they were listed, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection. As noted in our proposed rule (78 FR 2726, January 14, 2013), our mapping of occupied areas includes stream reaches where the species has been observed (within the past 20 years, but typically more recently) or where it is presumed to occur based on the professional judgment of biologists familiar with the watershed and the availability of suitable habitat, in particular the location of known barriers.

We relied on the best available information regarding species distribution from state, tribal and federal co-managers in Oregon and

Washington. In response to comments and new datasets (Oregon Department of Fish and Wildlife [ODFW], 2015; Washington Department of Fish and Wildlife [WDFW], 2015) obtained from these co-managers, we made numerous minor edits to the data and maps supporting the critical habitat designations for lower Columbia River coho and Puget Sound steelhead. Edits included both removing and adding stream reaches to better reflect the areas that warrant designation as critical habitat. For coho we made 107 edits and for steelhead we made 101 edits to stream reaches in our Geographic Information System (GIS) dataset. The majority of edits involved small stream segments less than 0.7 miles (1.1 km) in length. The most substantial edit for coho was to remove approximately 69 stream miles (111 km) above Shipherd Falls in the Wind River watershed because co-managers provided information leading us to agree and conclude that coho did not use this area historically nor have they been seen in the past 20 years of stream surveys. For steelhead, the most substantial edit was to remove approximately 6 miles (10 km) in the Upper North Fork Nooksack River watershed where co-managers commented that our proposed distribution in Canyon Creek extended beyond the upper extent of steelhead presence. Tables 1 and 2 summarize the edits made for coho and steelhead, respectively, and our final biological report (NMFS, 2015a) provides greater details and maps depicting these edits. Ultimately, the edits resulted in minor refinements to the proposed designation.

We acknowledge that the areas we considered as meeting the ESA definition of “occupied” may not include all areas where fish might be present, especially in the case of steelhead, which are known to penetrate relatively high-gradient stream reaches not commonly used by Chinook and other salmon species (WDFW, 2000). In preparing the proposed rule and this final rule we reviewed (and made modifications based on) the most recent distribution datasets available using a GIS that allowed us to discern whether a stream reach was occupied or not. In many cases, the available data included numerous ‘modeled’ stream reaches that might be occupied by the species based on stream gradient and known barriers to anadromous fish. We considered these modeled reaches to be occupied if the dataset also had supporting annotation indicating that there was a documented field observation that the species was present, or that there was an

analysis demonstrating why it was reasonable to conclude the species was present (professional judgment). A substantial number of modeled reaches did not have such annotation. Stream surveys and species mapping efforts are ongoing for these species. As new information becomes available, we have the ability to revise the critical habitat designations in the future, as appropriate.

*Comment 2:* One commenter asserted that we must identify sufficient habitat to provide for the essential life cycle needs of the species (foraging, migrating and overwintering areas) and that this may require designating habitat that is not occupied for significant portions of the year, but is ‘essential to the conservation’ of the species.

*Response:* In our critical habitat assessment we did take into account the life cycles of lower Columbia River coho and Puget Sound steelhead, and our descriptions of essential physical and biological features reflect the habitat needs of coho and steelhead at various life stages. Based on these habitat needs and the best available information regarding species distribution, we identified some areas in nearly all watersheds which are not continuously “occupied,” including freshwater-to-seawater connectivity corridors and reaches with seasonal, side channel habitats important for overwintering juveniles. Additionally, we also proposed for designation as critical habitat for Puget Sound steelhead areas in the upper Elwha River that were unoccupied at the time of listing but deemed essential for the species’ conservation (NMFS, 2015a). The areas proposed for designation—now informed by public comments—reflect the best available information regarding the areas and features qualifying as critical habitat for each species.

*Comment 3:* Several commenters presented comments and data regarding specific locations where they believed that adjustments were warranted to our mapping of species’ distribution.

*Response:* We considered the comments and data and, in addition to our responses above, we have summarized the resulting adjustments (mostly relatively minor mapping edits) to particular streams/locations in the Tables 1 and 2.

#### Critical Habitat Analytical Review Team (CHART) Report and Watershed Ratings

*Comment 4:* Several comments addressed the CHART process for rating watersheds and how that process impacts whether or not a watershed might be included as critical habitat. One peer reviewer commended the

Puget Sound CHART work and believed that the assessment identified uncertainties and distinguished facts from professional judgments. One commenter, focusing on Puget Sound steelhead, expressed concern that the CHART ratings of watershed conservation values were too reliant on our 2005 critical habitat designation for Puget Sound Chinook. A second peer reviewer focused on the lower Columbia River coho evolutionarily significant unit (ESU) and commented that, for the most part, the draft designations rely on extensive, current and robust science to propose many important protections that will be critical for protecting and recovering threatened populations in this ESU. One commenter noted that while the CHART report provided substantial information, the process used to translate CHART watershed scores into ratings of watershed conservation values was not always clear. This commenter was concerned specifically about the low ratings given to the Sammamish and Lake Washington watersheds and their resultant exclusion due to economic impacts.

*Response:* The CHART process supporting these critical habitat designations relied on the professional judgement of 16 NMFS biologists with considerable species and habitat expertise reviewing the best available scientific information. That process, described in detail in the CHART report (NMFS, 2015a), involved multiple review phases that culminated in assigning conservation value ratings of “high”, “medium”, or “low” to each watershed/area. In addition to a phase that involved scoring various parameters for each watershed, the CHART process for assigning watershed ratings also considered additional information about the relationship of each watershed/area to others in the range of the DPS, and information about the population occupying each watershed/area and that population’s relationship to other populations in the DPS. The CHART report includes annotation in tables under a heading “Comments/Other Considerations” for each watershed to aid in understanding the resultant ratings.

The essential physical and biological features used to designate critical habitat for lower Columbia River coho and Puget Sound steelhead are the same as those used for all other west coast salmon and steelhead designations completed since our comprehensive review in 2005 (70 FR 52630, September 2, 2005). Given the broad similarities in life history and habitat requirements shared by different species of

salmonids, it is not surprising that many watersheds have similar conservation value ratings. However, the CHART report acknowledges that such ratings can and do differ due to species-specific differences in population structure and habitat utilization. For example, there were a number of cases (15 out of 66 watersheds) where watershed ratings for Puget Sound steelhead differed from ratings made for the same watershed in our 2005 designation for Puget Sound Chinook (70 FR 52630, September 2, 2005). In the case of lower Columbia River coho, an even higher proportion (24 out of 55 watersheds) differed with the watershed ratings made in our 2005 designation for lower Columbia River Chinook.

The CHART report describes the basis for giving three of the four watersheds in the Lake Washington subbasin a low conservation value for Puget Sound steelhead, namely, significant manmade hydrological changes and development have contributed to generally poor quality habitat features. Also, it is unclear to what degree steelhead utilized tributaries in these three watersheds. In the case of the fourth watershed (Cedar River), the CHART expressed similar concerns but also noted that this watershed has the best and most extensive habitat remaining in the subbasin as well as a substantial resident *O. mykiss* population that may play an important role in steelhead production in Central and South Puget Sound. As a result, the Cedar River watershed was assigned a medium rating for conservation value and, unlike the other low-value watersheds, was not subject to exclusion due to economic impacts.

*Comment 5:* Shortly after we published the proposed rule, a peer reviewer notified us that they had found errors and omissions to Appendix B of the Puget Sound steelhead assessment in the CHART report, including: An incorrect legend to a map, a missing map, and some information missing from a comment field within a table.

*Response:* We promptly made the corrections and posted an updated version of the CHART report, 3 days after publication of the proposed rule, available via the internet on our agency ESA critical habitat page. The missing map was also made available to the public at the same time via Regulations.gov under the “Supporting Documents” for the proposed rule.

#### *Areas Upstream of Barriers*

Several comments addressed our assessment of the conservation value of areas that were unoccupied at the time the species were listed due to dams that

have since been removed, specifically Elwha and Glines Canyon dams on the Elwha River (in the range of the Puget Sound steelhead) and Condit Dam on the White Salmon River (in the range of lower Columbia River coho). Another commenter recommended that we consider designating areas above Cushman Dam on the Skokomish River as critical habitat for Puget Sound steelhead. In contrast, one commenter was concerned about designating critical habitat above natural barriers that historically blocked access for salmon and steelhead. We address comments specific to each area/barrier below.

*Comment 6—Elwha Dams (Elwha River):* In our proposed rule, we solicited comments and information regarding historical areas upstream of the Elwha and Glines Canyon dams, which were removed between 2011 and 2014 thereby re-establishing access for Puget Sound steelhead and other anadromous fish to the upper watershed. We received one comment on this solicitation from a peer reviewer (who agreed with our assessment) and distribution data from a co-manager identifying additional habitat areas in the upper Elwha River that have the potential to support steelhead.

*Response:* Based on the best available information, we conclude that approximately 48 miles of habitat above both dams are essential for the conservation of Puget Sound steelhead and have designated those stream reaches as critical habitat. In doing so, we have also reviewed the data provided by a co-manager and added approximately 2.6 miles (4.2 km; see Table 2) to areas we proposed in the upper Elwha River. Steelhead began recolonizing the upper Elwha soon after dam removal began (*e.g.*, Mapes, 2012) and the areas we are designating as critical habitat are consistent with those believed to be historically accessible to steelhead (Hard *et al.*, 2015; Myers *et al.*, 2015).

*Comment 7—Condit Dam (White Salmon River):* In our proposed rule, we solicited comments and information regarding areas upstream of Condit Dam (decommissioned in 2011) and whether such areas warrant designation as critical habitat for lower Columbia River coho. Several commenters presented divergent opinions on the matter. One commenter stated that the river downstream of the former Condit Dam is steep and contains little suitable spawning gravel, and the river upstream of the former Condit Dam lacks the required characteristics of the described primary constituent elements (PCEs). This commenter further asserted that

the upper White Salmon River basin is not presently occupied by coho and historically contained only a small population of coho given the terrain and the lack of PCEs. Another commenter also asserted that PCEs for coho were of poor quality in the White Salmon River and that it will be decades before the migratory corridor meets the PCE conditions of submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival. One commenter noted that most of the lower 12 miles (19 km) of the White Salmon River is subject to elevated levels of protection under either the Management Plan for the Columbia River Gorge National Scenic Area or the Lower White Salmon National Wild and Scenic River Management Plan. This protection, along with other arguments, led the commenter to conclude that critical habitat should not be designated in the White Salmon River watershed. In contrast, four commenters recommended designating critical habitat in the upper portions of the White Salmon River watershed now that Condit Dam has been removed. One commenter noted that fish distribution modeling by the Washington Department of Fish and Wildlife indicates that coho could make extensive usage of this watershed. Another commenter stated that NMFS should place particular weight on the fact that a major reason for the dam's removal was because of the negative impact the dam had on native fish. The other two commenters recommended designating critical habitat in the upper portions of the watershed but did not provide any new information that was not already considered by the CHART.

*Response:* In our proposed rule, we noted the CHART's assessment that access to habitat above the Condit Dam site that was unoccupied at the time of listing would likely provide a benefit to lower Columbia River coho, but it was unclear whether such habitat is essential for conservation of the entire DPS. None of the information received during the public comment period changes this conclusion and, therefore, we maintain that areas occupied by lower Columbia River coho at the time of listing (below the Condit Dam site) warrant designation as critical habitat whereas unoccupied areas upstream do not. The 2013 ESA Recovery Plan for the White Salmon River (NMFS, 2013) describes the historical White Salmon coho population as extinct or nearly so and that the preferred approach for

species reintroduction is to allow natural straying into the river. That plan goes on to recommend monitoring natural escapement and production and the possibility for hatchery alternatives if population recovery is determined to be too slow. We will monitor any new information and consider it, as appropriate, in any future revision to this designation.

*Comment 8—Cushman Dam (Skokomish River):* Two commenters, including a peer reviewer, advocated for the designation of critical habitat in the North Fork Skokomish River above the Cushman Dam. Two commenters believed that critical habitat in the North Fork of the Skokomish River should be extended into the upper basin to include all accessible areas above Cushman Dam (including Big Creek). One of these commenters asserted that the potential increased steelhead production from the upper basin will be essential for recovery of the population.

*Response:* Areas above Cushman Dam were inaccessible and unoccupied by Puget Sound steelhead at the time of listing. The CHART reviewed information about the Skokomish watershed and rated it of high conservation value noting extensive PCEs and the largest intact estuary in Hood Canal (NMFS, 2015a). In a recent assessment of viability criteria for Puget Sound steelhead (Hard *et al.*, 2015) several Team members noted that there has been considerable debate as to whether winter-run steelhead historically had access beyond the series of falls in the lower North Fork Skokomish River below the dam. Also, most of the habitat above the dam with high intrinsic potential for steelhead remains inundated by Lake Cushman (Hard *et al.*, 2015). As a result of a 2009 settlement between the Skokomish tribe and Tacoma Public Utilities, the latter agreed to install fish passage facilities on the North Fork Skokomish River to reestablish access for anadromous fish into the upper watershed. In contrast to areas in the upper Elwha River, which are now readily accessible to steelhead, steelhead access to stream reaches above Cushman Dam will rely on recently developed trap and haul methods. In our 2010 ESA biological opinion for the Cushman Hydroelectric Project (NMFS, 2010) we noted that allowing steelhead access to areas upstream will enhance the species' spatial structure and diversity characteristics. We also noted that juvenile passage through storage reservoirs like Cushman, which have no measurable river current in much of their length, is a developing technology. This technology has only recently been implemented (Tacoma Power, 2014 and

2015) and it will be some time before we can discern the effects on steelhead production in the basin. For these reasons, we conclude that it is unclear whether areas above Cushman Dam are essential to the conservation of Puget Sound steelhead but we will revisit this issue if recovery planning indicates otherwise.

*Comment 9—Waterfalls:* One commenter recommended that we exclude occupied areas we proposed as critical habitat upstream of three waterfalls in the range of Puget Sound steelhead that historically prevented steelhead passage but access was made possible via fish ladders or trap-and-haul operations. The specific sites are Tumwater Falls on the Deschutes River, Granite Falls on the South Fork Stillaguamish, and Sunset Falls on the South Fork Skykomish River.

*Response:* We disagree with this recommendation. Although these areas were blocked historically, the implementation of fish ladders and trap and haul operations in the 1950s resulted in Puget Sound steelhead occupying the blocked areas at the time we listed the DPS. Although the recent Technical Recovery Team (TRT) report (Myers *et al.*, 2015) does not identify historical demographically independent populations in these blocked areas, the areas were occupied by steelhead at the time of listing and contain the essential features. We acknowledge that in some of the areas noted by the commenter it is possible that many of the steelhead present are not considered to be part of the DPS (*e.g.*, non-native Skamania Hatchery steelhead above Granite Falls). However, with access to steelhead now established, it is not possible to rule out the presence of some ESA-listed fish in these areas and GIS data we reviewed identified steelhead in these areas (NMFS, 2015a). We conclude that the areas identified in this comment warrant designation as critical habitat (but also note that numerous river reaches in these areas are excluded due to their overlap with lands covered by Habitat Conservation Plans; see Table 2).

#### *Lateral Extent of Critical Habitat*

*Comment 10:* Several commenters expressed opinions about our approach of defining critical habitat as the width of the stream channel defined by the ordinary high-water line or bankfull width. Those opinions generally consisted of concerns that such an approach ignored the importance of adjacent riparian areas and floodplains. For example, one peer reviewer stated: “[m]any of the PCEs identified for steelhead depend on watersheds as a

whole (including, for example, riparian habitat, upslope habitats, unoccupied tributaries) and not just the stream reaches that steelhead physically occupy. Consequently, it may be difficult or impossible to conserve steelhead by limiting critical habitat designation only to the wetted stream reaches that they physically use. For example, there is an abundance of scientific information supporting that adjacent riparian zones are integrally tied to the instream habitats. In my mind, this supports the designation of, for example, a riparian zone as critical habitat for steelhead. It is unclear whether or how this is taken into account by NMFS in the designation of critical habitat if the purpose is to truly conserve steelhead." Another peer reviewer expressed similar concerns and stated that: "[t]he justification for excluding riparian and floodplain areas from critical habitat is unsupported by the analysis in the designation" and noted that many approaches have been developed for defining riparian zones of influence and that using metrics like ordinary high water or bankfull width comes with its own set of ambiguities and difficulties.

*Response:* In the section *Lateral Extent of Critical Habitat* we describe our past and current approaches to this issue. We acknowledge that the quality of aquatic habitat within stream channels is intrinsically related to the adjacent riparian zones and floodplain, surrounding wetlands and uplands, and non-fish-bearing streams above occupied stream reaches. However, we maintain that it is reasonable to assert that: (1) Stream channels designated up to "ordinary" high water can reasonably be expected to be regularly "occupied" as that term is defined in the ESA, (2) the high water/bankfull elevation can be readily discerned for a variety of stream reaches and stream types using recognizable water lines or vegetation boundaries, and (3) there is no evidence to suggest that limiting our critical habitat designations to ordinary high water or bankfull width has compromised the conservation of listed species. Human activities that occur outside the stream or designated critical habitat can modify or destroy physical and biological features of the stream, and federal agencies are well aware of their need to consult with us on such activities even if they are located upslope or upstream of stream reaches designated as critical habitat.

#### *Marine Areas*

*Comment 11:* Several commenters expressed concern about the lack of marine habitat in our critical habitat

designations for these species, in particular marine waters of the Salish Sea. Some commenters noted that while we had identified prey species, such as forage fish in nearshore and offshore areas, among the primary constituent elements of critical habitat, we did not propose such areas. One of these commenters suggested that we follow the approach used in our 2012 leatherback sea turtle critical habitat designation (77 FR 4170, January 26, 2012) that relied on the prey species PCE to designate over 40,000 square miles of critical habitat in the Pacific Ocean. Another commenter and a peer reviewer asserted that survival in the marine waters of Puget Sound is a major bottleneck for Puget Sound steelhead and that marine habitat may be one of the key factors limiting steelhead production.

*Response:* As noted in our proposed rule and in some of the comments, we have identified PCEs for salmon and steelhead associated with nearshore and offshore marine waters, and acknowledged that some may require special management considerations or protection (e.g., commercially harvested prey species). However, none of the comments provide information that would allow us to identify specific areas for either species in the nearshore or offshore marine environments. In the case of leatherback critical habitat raised by one commenter, we note that it was possible to identify eight specific marine areas based on observed densities of a prey PCE (scyphomedusae, i.e. "jellyfish") and leatherback use. In that rule, we also underscored that the specific areas could be assessed based on "the importance of density of prey species as a characteristic of the PCE due to differences in dense aggregations of prey species and predicted use by leatherbacks for sustained foraging." We presently lack comparable information for lower Columbia River coho and Puget Sound steelhead and commenters have not provided any information to address this deficiency. Therefore, given the best available information, we cannot identify specific marine areas within the geographical area occupied on which are found those physical or biological features essential to their conservation and which may require special management considerations or protection (see sections *Geographical Area Occupied by the Species and Specific Areas within the Geographical Area* and *Nearshore Marine Areas of Puget Sound*).

#### *Activities Affecting Critical Habitat*

*Comment 12:* One commenter asserted that to comply with the requirements of ESA section 4(b)(8) we must describe and evaluate the activities that may adversely modify critical habitat, including the PCE of prey items in nearshore and offshore habitat. The commenter noted that in their review of recent ESA consultations over effects on Puget Sound Chinook and Hood Canal summer-run chum on forage fish and critical habitat, at least two federal agencies (U.S. Coast Guard and U.S. Navy) are not included in the current list of federal agencies.

*Response:* Section 4(b)(8) of the ESA states that "The publication in the **Federal Register** of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this Act shall include a summary by the Secretary of the data on which such regulation is based and shall show the relationship of such data to such regulation; and if such regulation designates or revises critical habitat, such summary shall, to the maximum extent practicable, also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify such habitat, or may be affected by such designation." In response to this comment, we have updated the section *Activities That May be Affected by Critical Habitat Designation* to reflect our recent history of ESA section 7 consultations in the range of lower Columbia coho and Puget Sound steelhead (including adding the U.S. Coast Guard and U.S. Department of Defense to the list of federal agencies). Also, the CHART report supporting these designations references the report "An Ecosystem Approach to Salmonid Conservation" by Spence *et al.* (1996) and describes how that report helped the CHART evaluate and summarize—for each watershed—over a dozen activities that affect the essential habitat features supporting these critical habitat designations. Although forage fish/species harvest was evaluated by the CHARTs as a potential habitat-modifying activity, it was not identified as a management concern in any of the watersheds assessed. It is possible that such harvest may be a management consideration in some marine areas; however, we have not identified any marine areas as critical habitat in this rulemaking.

#### *Economic Analysis*

*Comment 13:* One commenter disagreed with our analysis of the

economic impacts of designating critical habitat in our use of the ‘baseline’ approach to its consideration of economic impacts. The commenter stated that in attributing essentially all of the regulatory burdens and economic costs arising under the ESA to the listing decision, we had rejected the law as established in the Tenth Circuit (*New Mexico Cattle Growers Ass’n v. U.S. Fish and Wildlife Service*, 248 F.3d 1277 (10th Cir. 2001) (baseline approach is unlawful) and accepted the law as it stands in the Ninth Circuit (*Arizona Cattlegrowers’ Ass’n v. Salazar*, 606 F.3d 1160, 1172–74 (9th Cir. 2010), cert. denied, 131 S. Ct. 1471, 179 L. Ed. 2d 300 (2011) (baseline approach is lawful). The commenter asserted that we have no authority to resolve circuit court splits involving matters of statutory interpretation and construction, and that by using the baseline approach our critical habitat designation fails to account for all the economic impacts and is contrary to the ESA and congressional intent.

*Response:* As described in our proposed rule, in this and recent critical habitat designations our economic analysis has focused on determining the impacts on land uses and activities from the designation of critical habitat that are above and beyond—or incremental to—those “baseline” impacts due to existing or planned conservation efforts being undertaken due to other federal, state, and local regulations or guidelines. This approach is consistent with the more recent Ninth Circuit court case noted in the comment, and these critical habitat designations are located within the areas administered by that Circuit. Moreover, it is consistent with our critical habitat regulations at 50 CFR 424.19 (78 FR 53058, August 28, 2013).

#### Indian Lands

*Comment 14:* Three commenters expressed their support for Indian lands being excluded from critical habitat designation. One tribal commenter noted that Indian lands of the Muckleshoot Indian Tribe should have been identified for exclusion in the Middle Green River watershed (HUC 1711001302) and in the Lower Green River watershed (HUC 1711001303) (NMFS 2015a).

*Response:* We reviewed information regarding the lands of the Muckleshoot Indian Tribe and have made the appropriate ministerial corrections in this rulemaking (see Table 6).

#### Habitat Conservation Plans (HCPs)

*Comment 15:* Several commenters submitted comments regarding the exclusion of HCPs from designated

critical habitat. Three commenters agreed with our proposed exclusion of lands subject to HCPs. One of these commented that the HCP for the Washington Forest Practices Act Forest and Fish Rules should be excluded from critical habitat designation to eliminate disincentives created by regulatory burdens of critical habitat, and instead rely upon the existing protective measures. Two other commenters believed that we had made appropriate use of the exclusion process mandated by the ESA and noted that HCPs provide effective long-term special management protection for salmon and steelhead habitat. Three other commenters disagreed with our exclusion of HCPs from critical habitat designation. One commenter asserted that we had expressed unjustified concern that designating critical habitat will cause private and state landowners to not enter into HCPs. They also believed that HCPs have considerably different protections and goals than critical habitat designation and that is arbitrary for us to argue that the two ESA mechanisms are essentially interchangeable. A second commenter opposed any exclusions from critical habitat designation of areas that may be covered by other management plans or HCPs under the logic that they do not need “special management” as used in section 3(5)(A) (citing *Center for Biological Diversity v. Norton*, 240 F. Supp. 2d 1090, 1099 (D. Az. 2003)) or using the rationale that the benefits of exclusion outweigh the benefits of designation under Section 4(b)(2) (citing *Natural Res. Def. Council v. Interior*, 113 F.3d 1121, 1127 (9th Cir. 1997)). A third commenter (the Suquamish Tribe) requested that we re-evaluate our exclusion of Puget Sound steelhead habitat on the Kitsap Peninsula subject to the Washington Forest Practices HCP. This commenter asserted that these HCP lands are difficult to identify, the HCP has had high non-compliance rates for riparian harvests, the HCP only addresses a limited number of activities, and exclusion would result in less protection for non-forestry land uses.

*Response:* In our proposed rule, we described our process for evaluating the benefits of designation and exclusion for lands covered by approved HCPs—including consideration of landowners’ views about exclusion—and our determination that excluding such lands will not result in extinction of lower Columbia River coho and Puget Sound steelhead. The affected HCPs and landowners (or regulators) in this rulemaking are: Washington Department of Natural Resources (as landowner in

the West of Cascades HCP and as regulator in the Washington Forest Practices HCP); Green Diamond Resources Company; West Fork Timber Company; City of Kent, Washington; and J.L. Storedahl and Sons. In this final rule we have maintained the exclusions of these lands, except in the case of the Washington Forest Practices HCP where we are not excluding a subset of HCP lands on the Kitsap Peninsula (described below). As noted in this final rule and a supporting ESA section 4(b)(2) analysis (NMFS 2015c), we conclude that a benefit of excluding HCP-covered lands from designation is the furtherance of our ongoing relationship with these landowners, which will result in improved implementation and improved conservation for the species. In addition, exclusion of these lands provides an incentive for other landowners to seek HCPs, which also provides a conservation benefit to the species. While it may be true, as one commenter asserted, that designation of HCP land as critical habitat could discourage landowners from entering into HCPs, we did not include that possibility in our balancing under Section 4(b)(2). In other words, we did not count avoidance of that possibility as a “benefit of exclusion.”

Regarding the comments citing court cases relating to ESA sections 3 and 4, we note that our exclusion of HCP lands was based on the provisions of ESA section 4(b)(2)—balancing the benefits of designation versus exclusion—and not on a determination under section 3(5)(A) that such lands do not need “special management” and do not meet the definition of critical habitat under the ESA. Our 4(b)(2) report, made available for public comment, explains the lengthy analysis we undertook to evaluate whether to exclude the specific HCP lands identified above. That analysis included: Contacting each HCP landowner or regulator and soliciting their preferences and concerns; rating the conservation value of watersheds that overlap the HCP; assessing the types of federal activities in those watersheds that would likely undergo section 7 consultation; analyzing the particular HCP areas subject to exclusion in a GIS; balancing the benefits of designating HCP lands against the benefits of excluding them (while ensuring that any exclusions will not result in the extinction of the species); reviewing public input on our proposal and modifying our approach as necessary; and documenting our rationale and final assessment (NMFS 2015c). Section 4(b)(2) of the ESA grants

the Secretary discretion to exclude any area from critical habitat designation if he determines “the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat” and exclusion will not result in extinction of the species. In adopting this provision, Congress explained that “[t]he consideration and weight given to any particular impact is completely within the Secretary’s discretion.” (H.R. No.95–1625, at 16–17, 1978; see also agency regulations at 50 CFR 424.19.) The Secretary’s discretion to exclude is limited, as he may not exclude areas that “will result in the extinction of the species.” We have discretion in whether and how we balance benefits. Although the statute does not require that any area be excluded, consistent with our approach in prior critical habitat designations for most salmon and steelhead DPSs, we have determined that the benefit of excluding the lands covered by these HCPs outweighs the benefit of designating them and have exercised our discretion to exclude them from critical habitat designation.

Based on comments from the Suquamish Tribe, we re-assessed our proposed exclusion of stream reaches occupied by Puget Sound steelhead on the Kitsap Peninsula that are subject to the Forest Practices HCP. Although this extensive HCP includes numerous other watersheds occupied by Puget Sound steelhead (and lower Columbia River coho) we focused our re-assessment on the Kitsap where we had site-specific concerns, such as those raised by the Tribe. As a result of that re-assessment we considered the following:

- Information from the Suquamish Tribe noting strong concerns about this HCP and about Kitsap steelhead and streams within the Tribe’s usual and accustomed fishing places, including concerns about the difficulty in accurately delineating HCP areas, activities not covered by the HCP, conversion of lands out of forestland, and non-compliance rates for riparian harvests;

- Recently updated GIS data from the Washington Department of Natural Resources depicting those lands that are ‘approved’ (have authority to operate) or ‘renewed’ (the authority to operate has been extended beyond the original expiration date) under the HCP and its associated incidental take permit. The data posted and analyzed in September 2015 (Washington Department of Natural Resources, 2015) indicate that these approved or renewed lands overlap with approximately 3 miles (5 km) of Kitsap steelhead streams. While Kitsap lands covered by the Forest

Practices HCP in the range of Puget Sound steelhead encompass approximately 90 miles (145 km) of steelhead streams, only a small fraction of those lands are currently enrolled and subject to the incidental take permit approved by NMFS for the Forest Practices HCP.

- Except for a few streams adjacent to Hood Canal occupied by threatened chum salmon, most Kitsap streams are not designated ESA critical habitat for other species.

- Information on the future of Washington’s forests and forest industries prepared by the University of Washington College of Forest Resources (2009) projects that high-value forest lands on the Kitsap Peninsula are at high risk of being converted from forest use to development (conversion), especially in the northern and eastern parts of the peninsula. Once converted, such lands would no longer qualify for coverage under the HCP.

Based on our reconsideration, we concluded that the benefits of exclusion do not outweigh the benefits of designation for these lands covered by the HCP, primarily because there are no overlapping salmonid critical habitat designations in these areas and there is a high likelihood these areas will be converted (NMFS 2015c), and also because exclusion would undermine our ongoing relationship with the Suquamish Tribe which is an important conservation partner. We therefore have revised our designation to exclude only those Forest Practices HCP areas on the Kitsap Peninsula that the Washington Department of Natural Resources has classified as being in an approved or renewed enrollment status at the time of this final rule.

*Comment 16:* One commenter requested that we exclude their private lands (SDS Company, Stevenson Land Company and Broughton Lumber Company) on the White Salmon River and Little White Salmon River because the benefits of their Safe Harbor Agreement outweigh the benefits of critical habitat designation for lower Columbia River coho.

*Response:* We reviewed the maps submitted by this commenter and determined that none of the private lands referenced overlap with areas considered for critical habitat designation.

#### *Climate Change*

*Comment 17:* One commenter believed that we should more thoroughly consider and address the uncertainties of future climate effects on Puget Sound steelhead habitat, in particular the spatial coverage of critical

habitat, as well as uncertainties of how steelhead populations might utilize habitat in the future. This commenter also noted that the Puget Sound TRT is actively developing information on population structure and viability for Puget Sound steelhead (e.g., Myers *et al.*, 2015; Hard *et al.*, 2015) and recommended that our critical habitat designation be modified as new information becomes available.

*Response:* We agree that climate-related changes are likely to affect essential habitat features and the distribution of Puget Sound steelhead (and other salmonids). However, our current state of knowledge provides only general guidance regarding how such changes would influence the specific areas we consider in a critical habitat designation. For example, a recent paper by Wade *et al.* (2015) models steelhead vulnerability to climate change and projects that in the west Cascade region, particularly Puget Sound, extreme high flows will impair conditions for steelhead incubation and migration life stages. However, they, in turn, caution that their methods were applied at a coarse resolution and that their results should be interpreted accordingly. Similarly, a recent report on climate change in Puget Sound (Climate Impacts Group, 2015) project that, over the long term, increasing peak flows, decreasing summer low flows, and warming stream temperatures will negatively affect steelhead and other stream-rearing species. That report underscores that cold-water refugia within rivers will be critical in helping salmonid populations adapt to future climate conditions. Such information would be useful at the scale that we analyze critical habitat; however, comprehensive inventories of refugia have not been completed and remain an important information gap (e.g., National Wildlife Federation, 2009; Raymond *et al.*, 2014). Regardless, areas analyzed in our critical habitat designation for Puget Sound steelhead included higher elevation habitats that will likely continue to be important cold-water sources for steelhead and other species in the future.

In the present critical habitat designations, we have used the best available information—including TRT analyses of Puget Sound steelhead population structure (Myers *et al.*, 2015) and viability criteria (Hard *et al.*, 2015)—to discern areas that are eligible for designation and to assess their conservation value. While useful at the scale of populations and watersheds, these documents do not provide specific guidance on how to account for climate change impacts when designating



particular stream reaches as critical habitat for steelhead. The viability analysis by Hard *et al.* (2015) is intended to serve as a technical framework for subsequent recovery planning (currently underway) but cautions that it is not intended to establish targets for delisting or recovery of steelhead, nor explicitly identify specific populations or groups of populations for recovery priority. The analysis does underscore the importance of maintaining steelhead life history diversity (*e.g.*, both summer- and winter-run types) and spatial distribution in stream reaches across populations, but, again, does not provide specific information on areas that warrant designation as critical habitat now or in the future. The report does include maps of steelhead spawning reaches and analyses of stream reaches with varying levels of intrinsic potential (*i.e.*, a measure of habitat suitability) for steelhead production. We reviewed these maps and data and found that nearly all (99.5 percent) of the stream reaches Hard *et al.* (2015) classified as known spawning or rearing reaches with high intrinsic potential were already in the GIS data and maps we analyzed for designation as critical habitat. Also, the stream reaches we analyzed encompassed all Puget Sound steelhead populations identified by Hard *et al.* (2015) and our assessment of watershed conservation value (as well as unoccupied reaches of the upper Elwha River) specifically took into account the importance of the less common summer-run steelhead life history type (NMFS, 2015a).

In our 2011 status review update for ESA-listed salmon and steelhead in the Pacific Northwest (Ford, 2011), we observed that climate change is likely to play an increasingly important role in determining the abundance of ESA-listed fish and the conservation value of designated critical habitats. We went on to note that some habitats currently occupied by salmon and steelhead may become uninhabitable due to the cumulative effects of climate change, and species may exhibit elevational and latitudinal shifts in distribution (Ford, 2011). Changes in the habitat areas and essential features considered in our critical habitat designation will likely be driven by factors such as higher water temperatures, reduced flows in summer and fall, and increased flooding in the winter. For example, increased high flows and flooding could impair the essential features related to freshwater spawning and rearing sites by reducing suitable overwintering habitat as well as

scouring redds and reducing egg survival.

While the overall impacts of climate change on salmon and steelhead are expected to be negative, the magnitude of effects is likely to vary considerably. For example, Ford (2011) notes that climate-related changes will vary across the landscape, and areas with elevations high enough to maintain temperatures well below freezing for most of the winter and early spring will be less affected, while low-elevation areas are likely to be more affected. Similarly, the Lower Columbia River Salmon and Steelhead ESA Recovery Plan (NMFS, 2013) acknowledges that the magnitude and timing of changes to species' distribution, behavior, growth, and survival are poorly understood and specific effects are likely to vary among populations and goes on to identify various 'adaptation strategies' to reduce impacts of climate change. With respect to the comment being addressed here, several strategies of note from the plan include: (1) Conserving adequate habitat to support healthy fish populations and ecosystem functions in a changing climate; (2) Developing a methodology to assess and identify, and then protect, stream reaches and population strongholds that will be resilient/resistant to climate change impacts; and (3) Protecting and restoring headwater rivers and streams to protect the sources of cool, clean water and normative hydrologic conditions.

We believe that our approach to making critical habitat designations for Puget Sound steelhead (as well as lower Columbia River coho) is consistent with such strategies. With respect to the first strategy, we note that we excluded (based on economic impacts) very few occupied stream reaches that met the ESA definition for critical habitat. The vast majority of exclusions we made involved areas covered by HCPs which are expected to promote recovery through land and water management practices that benefit salmonids and encourage voluntary conservation agreements on non-federal lands. For the second strategy, our analysis of critical habitat employed a methodology involving a team of steelhead and habitat experts charged with reviewing and rating the conservation value of habitat areas in every watershed supporting Puget Sound steelhead (NMFS, 2015a). Most of the watersheds we evaluated were assigned a high conservation value by the CHARTs and, in light of the third strategy, many of these watersheds (especially along the Cascade Range) included headwater stream habitats at higher elevations such

as those that Ford (2011) suggest will be less affected by climate change.

We will continue to monitor climate change information relevant to Puget Sound steelhead as well as guidance from ongoing recovery planning for this species. Consistent with this commenter's view, if new information suggests that the specific areas we have designated as critical habitat warrant reconsideration, or that additional areas should be considered for designation, we will do so as appropriate.

#### *Information Quality Act*

*Comment 18:* One commenter stated that proposed rule and the documents supporting it do not meet the requirements of the Information Quality Act (IQA). They contend that since two of the documents that the critical habitat proposals rely on (the economic analysis and the CHART report) were not subject to prior review then the IQA pre-dissemination review was incomplete. Further, they commented that the IQA requires that we disclose our sources of information but allege that our documents were missing such sources and citations, in particular information regarding freshwater areas occupied by lower Columbia River coho.

*Response:* In our proposed rule section on "Information Quality Act and Peer Review" we stated that "[t]he data and analyses supporting this proposed action have undergone a pre-dissemination review and have been determined to be in compliance with applicable information quality guidelines implementing the Information Quality Act (IQA) (Section 515 of Pub. L. 106-554)." That determination is an internal, agency review that was made on November 5, 2012, prior to publishing the proposed rule. Guidance on making that determination can be found in the NMFS "Section 515 Pre-dissemination Review and Documentation Guidelines" located at the NOAA Chief Information Officer Web site ([http://www.cio.noaa.gov/services\\_programs/info\\_quality.html](http://www.cio.noaa.gov/services_programs/info_quality.html)). Later, in that same section of the proposed rule, we noted that the two documents cited by the commenter would be distributed for independent peer review and that we would address any comments received in developing the final drafts of the two reports. We distributed those documents to six peer reviewers (two of which provided comments) and have taken into account those comments in developing this final rule.

With respect to our source and citation for information regarding lower Columbia River coho, the draft CHART

report stated that “. . . we developed extensive information regarding the stream reaches occupied by lower Columbia River coho and Puget Sound steelhead using data compiled by state and tribal fisheries agencies in Oregon and Washington, as the best available information. We collected and verified these data and produced distribution maps at a scale of 1:24,000 using standard Geographic Information System (GIS) software. We accessed these GIS data beginning in 2010, modified them based on input from state and tribal fishery biologists, and believe that they represent the best available information about areas occupied by each species at the time of listing. We also developed latitude-longitude identifiers for the end-points of each occupied stream reach.” This text should have included reference to the ODFW and WDFW GIS datasets that were included in the report’s References section and cited elsewhere in the CHART report. We have edited that report to include the appropriate citations for these datasets and we will make those GIS data available via the internet on our agency ESA critical habitat page.

#### Statutory and Regulatory Background for Critical Habitat Designations

The ESA defines critical habitat under section 3(5)(A) as: “(i) the specific areas within the geographical area occupied by the species, at the time it is listed . . . on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary [of Commerce] that such areas are essential for the conservation of the species.” The ESA does not specifically define the phrase “physical or biological features.” As noted in our proposed rule, agency regulations at 50 CFR 424.12(b) direct us to focus on these features, as well as the principal biological or physical constituent elements that are essential to the conservation of the species. In our CHART report (NMFS, 2015a) and proposed rule (78 FR 2726, January 14, 2013), we referred to the features and sites relevant to this definition as “PCEs.” In this final rule, we use the terms “PCEs” and “essential features” interchangeably and emphasize that these two terms are equivalent for this rulemaking.

Section 4(a)(3) of the ESA precludes the Secretary from designating military lands as critical habitat if those lands

are subject to an Integrated Natural Resource Management Plan (INRMP) under the Sikes Act that the Secretary certifies in writing benefits the listed species. As described in the section *Military Lands* we have identified three areas with qualifying INRMPs in the range of Puget Sound steelhead.

Section 4(b)(2) of the ESA requires us to designate critical habitat for threatened and endangered species “on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat.” This section grants the Secretary of Commerce (Secretary) discretion to exclude any area from critical habitat if he determines “the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat.” In adopting this provision, Congress explained that, [t]he consideration and weight given to any particular impact is completely within the Secretary’s discretion.” H.R. No. 95–1625, at 16–17 (1978). The Secretary’s discretion to exclude is limited, as he may not exclude areas that “will result in the extinction of the species.” We describe that process and the results below in the section Application of ESA Section 4(b)(2).

Once critical habitat is designated, section 7 of the ESA requires federal agencies to ensure they do not fund, authorize, or carry out any actions that will destroy or adversely modify that habitat. This requirement is in addition to the section 7 requirement that federal agencies ensure their actions do not jeopardize the continued existence of listed species. We identify potentially affected federal agencies and actions in the section *Activities That May Be Affected by Critical Habitat Designation*.

#### Methods and Criteria Used To Identify Critical Habitat

In the following subsections, we describe the relevant definitions and requirements in the ESA and our implementing regulations, and the key methods and criteria used to prepare this critical habitat designation. Discussion of the specific implementation of each item occurs within the species-specific sections. In accordance with section 4(b)(2) of the ESA and our implementing regulations (50 CFR 424.12), this final rule is based on the best scientific information available concerning the species’ present and historical range, habitat, and biology, as well as threats to their habitat. In preparing this rule, we reviewed and summarized current

information on these species, including recent biological surveys and reports, peer-reviewed literature, NMFS status reviews, comments on our proposed rule, and the proposed and final rules to list these species. All of the information gathered to create this final rule has been collated and analyzed in three supporting documents: A Final Biological Report (NMFS, 2015a); a Final Economic Analysis (NMFS, 2015b); and a Final Section 4(b)(2) Report (NMFS, 2015c). We used this information to inform the identification of specific areas as critical habitat. We followed a five-step process in order to identify these specific areas: (1) Determine the geographical area occupied by the species at the time of listing, (2) identify physical or biological habitat features essential to the conservation of the species (*i.e.*, essential features), (3) delineate specific areas within the geographical area occupied by the species on which are found the essential features, (4) determine whether the features in a specific area may require special management considerations or protections, and (5) determine whether any unoccupied areas are essential for conservation. Our evaluation and conclusions are described in detail in the following sections.

#### Geographical Area Occupied by the Species and Specific Areas Within the Geographical Area

Federal, state, and tribal fishery biologists map salmonid species presence and distribution at the level of stream reaches. The mapping includes areas where the species is present (within the past 20 years, but typically more recently) or where it is presumed to be present based on the professional judgment of biologists familiar with the watershed and the availability of suitable habitat, in particular the location of known barriers. Much of these data can be accessed and analyzed using GIS to produce consistent and fine-scale maps. As a result, nearly all salmonid freshwater and estuarine habitats in Washington, Oregon, Idaho, and California are mapped and available in GIS (ODFW, 2010a and 2015; WDFW, 2010 and 2015) at a scale of 1:24,000 (*e.g.*, one map inch equals 24,000 inches—2,000 feet—in the real world), allowing for accurate and refined delineation of the “geographical area occupied by the species.” We originally accessed these GIS data beginning in 2010 and modified them based on data available in 2015 and on input from federal, state and tribal fishery biologists and comments on our proposed rule. We believe these data represent the best

available information about areas occupied by each species at the time of listing.

To identify “specific areas,” we used “HUC5” watersheds as we did in our 2005 salmonid critical habitat designations (70 FR 52630, September 2, 2005). HUC5 watershed delineations are created by the U.S. Geological Survey and are generally available from various federal agencies and via the internet (Interior Columbia Basin Ecosystem Management Project, 2003; Regional Ecosystem Office, 2004; U.S. Department of Interior and U.S. Geological Survey, 2009). We used this information to organize critical habitat information systematically and at a scale that was relevant to the spatial distribution of salmon and steelhead. Organizing information at this scale is especially relevant to salmonids, since their innate homing ability allows them to return to particular reaches in the specific watersheds where they were born. Such site fidelity results in spatial aggregations of salmonid populations (and their constituent spawning stocks) that generally correspond to the area encompassed by wider HUC4 subbasins or their constituent HUC5 watersheds (Washington Department of Fisheries, Washington Department of Wildlife and Western Washington Treaty Indian Tribes, 1992; Kostow, 1995; McElhany *et al.*, 2000).

In addition, HUC5 watersheds are consistent with the scale of recovery efforts for West Coast salmon and steelhead, and watershed-level analyses are now common throughout the West Coast. There are presently hundreds of watershed councils or groups in the Pacific Northwest. Many operate at a geographic scale of one to several HUC5 watersheds and are integral parts of larger-scale salmon recovery strategies. In addition to these efforts, we have developed various ESA guidance documents that underscore the link between salmon conservation and the recovery of watershed processes (NMFS, 2000; NMFS, 2005b; NMFS, 2007). Aggregating stream reaches into HUC5 watersheds allowed the agency to delineate “specific areas” within or outside the geographical area occupied by the species at a scale that corresponds well to salmonid population structure and ecological processes.

As in our 2005 critical habitat designations (70 FR 52630, September 2, 2005), we identified estuary features essential to conservation of these species. For streams and rivers that empty into marine areas, we included the associated estuary as part of the HUC5 “specific area.” Also, as in our

2005 salmonid designations, we identified certain prey species in nearshore and offshore marine waters (such as Pacific herring) as essential features, and concluded that some may require special management considerations or protection because they are commercially harvested. However, prey species move or drift great distances throughout marine waters, often in association with oceanographic features that also move (such as eddies and thermoclines). In our proposed rule, we sought new information to better inform this question; however, we did not receive any new information that was not already considered. As such, we conclude that we cannot identify specific offshore marine areas where the essential features may be found (NMFS, 2012).

We also considered marine areas in Puget Sound for steelhead as potential specific areas that may contain features essential to conservation of these species, but concluded that the best available information suggests there are no areas that meet the statute’s definition of critical habitat. In our 2005 rule (70 FR 52630, September 2, 2005), we designated critical habitat in nearshore areas for Puget Sound Chinook and Hood Canal summer-run chum salmon. However, steelhead move rapidly out of freshwater and into offshore marine areas, unlike Puget Sound Chinook and Hood Canal summer chum, making it difficult to identify specific foraging areas where the essential features are found. We therefore determined that for Puget Sound steelhead it is not possible to identify specific areas with essential features in the nearshore zone in Puget Sound.

#### *Physical or Biological Features Essential for Conservation*

Agency regulations at 50 CFR 424.12(b) interpret the statutory phrase “physical or biological features essential to the conservation of the species.” The regulations state that these features include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historical geographical and ecological distribution of a species. The regulations further direct us to “focus on the principal biological or physical constituent elements . . . that are essential to the conservation of the species, and specify

that these elements shall be the ‘known primary constituent elements.’” The regulations identify primary constituent elements as including, but not being limited to: “roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types.” As described earlier, in this final rule we use the terms “essential features” and “PCEs” interchangeably to describe the physical and biological features essential to the conservation of lower Columbia River coho and Puget Sound steelhead.

For the 2005 critical habitat designations for salmon and steelhead (70 FR 52630, September 2, 2005), NMFS biologists developed a list of physical and biological features relevant to determining whether occupied stream reaches within a watershed meet the ESA section (3)(5)(A) definition of “critical habitat,” consistent with the implementing regulation at 50 CFR 424.12(b). Relying on the biology and life history of each species, we determined the physical or biological habitat features essential to their conservation. For the present rulemaking, we used the same features, which we identified in the advance notice of proposed rulemaking (76 FR 1392, January 10, 2011) and proposed rule (78 FR 2726, January 14, 2013). These features include sites essential to support one or more life stages of the DPS (sites for spawning, rearing, migration and foraging). These sites, in turn, contain physical or biological features essential to the conservation of the DPS (for example, spawning gravels, water quality and quantity, side channels, forage species). Specific types of sites and the features associated with them include the following:

1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development.
2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.
3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and

undercut banks supporting juvenile and adult mobility and survival.

4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.

5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels.

6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

We re-evaluated these essential features and sites (PCEs) and determined that they are all fully applicable to lower Columbia River coho and Puget Sound steelhead. The habitat areas designated in this rule currently contain essential features within the acceptable range of values required to support the biological processes for which the species use the habitat (NMFS, 2015a). The contribution of the essential features to the habitat varies by site and biological function, illustrating that the quality of the elements may vary within a range of acceptable conditions.

#### *Special Management Considerations or Protection*

An occupied area cannot be designated as critical habitat unless it contains physical and biological features that “may require special management considerations or protection.” Agency regulations at 50 CFR 424.02 define “special management considerations or protection” to mean “[m]ethods or procedures useful in protecting physical or biological features essential to the conservation of listed species.” Many forms of human activity have the potential to affect the habitat of listed salmon species: (1) Forestry; (2) grazing; (3) agriculture; (4) road building/maintenance; (5) channel modifications/diking; (6) urbanization; (7) sand and gravel mining; (8) mineral mining; (9) dams; (10) irrigation impoundments and withdrawals; (11) river, estuary, and ocean traffic; (12) wetland loss/removal; (13) beaver removal; and (14) exotic/invasive

species introductions. In addition to these, human harvest of salmonid prey species (*e.g.*, herring, anchovy, and sardines) may present another potential habitat-related activity (Pacific Fishery Management Council, 1999). All of these activities affect essential features via their alteration of one or more of the following: stream hydrology, flow and water-level modifications, fish passage, geomorphology and sediment transport, temperature, dissolved oxygen, vegetation, soils, nutrients and chemicals, physical habitat structure, and stream/estuarine/marine biota and forage (Spence *et al.*, 1996; Pacific Fishery Management Council, 1999).

#### *Unoccupied Areas*

Section 3(5)(A)(ii) of the ESA authorizes the designation of “specific areas outside the geographical area occupied at the time [the species] is listed” if these areas are essential for the conservation of the species. Regulations at 50 CFR 424.12(e) emphasize that the agency “shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.” We focused our attention on the species’ historical range when considering unoccupied areas since these logically would have been adequate to support the evolution and long-term maintenance of distinct population segments. As with occupied areas, we considered the stream segments within a HUC5 watershed to best describe specific areas. While it is possible to identify which HUC5s represent geographical areas that were historically occupied with a high degree of certainty, this is not always the case with specific stream segments. This is due, in part, to the emphasis on mapping currently occupied habitats and to the paucity of site-specific or systematic historical stream surveys. As described later in this final rule, we did identify unoccupied stream reaches that are essential for conservation of Puget Sound steelhead.

#### *Military Lands*

Section 4(a)(3) of the ESA precludes the Secretary from designating military lands as critical habitat if those lands are subject to an INRMP under the Sikes Act that the Secretary certifies in writing benefits the listed species. We consulted with the U.S. Department of Defense (DOD) and determined that three installations in Washington with either draft or final INRMPs overlap with streams occupied by Puget Sound steelhead: (1) Naval Base Kitsap; (2)

Naval Radio Station, Jim Creek; and (3) Joint Base Lewis-McChord (Army and Air Force). We did not identify any INRMPs or DOD installations within the range of lower Columbia River coho.

We identified habitat meeting the statutory definition of critical habitat at each of the above installations and reviewed the INRMPs, as well as other information available regarding the management of these military lands. Our review indicates that each of these INRMPs address Puget Sound steelhead habitat, and all contain measures that provide benefits to this DPS (NMFS, 2015c). Examples of the types of benefits include actions that eliminate fish passage barriers, control erosion, protect riparian zones, increase stream habitat complexity, and monitor listed species and their habitats. As a result, we are not designating critical habitat in areas subject to the INRMPs identified above.

#### *Critical Habitat Analytical Review Team (CHART)*

To assist in the designation of critical habitat, we convened two CHARTs (henceforth referred to as “Teams”)—one for lower Columbia River coho and another for Puget Sound steelhead. The Teams consisted of NMFS salmonid habitat biologists who were tasked with assessing biological information pertaining to areas under consideration for designation as critical habitat (NMFS, 2015a). The Teams examined each habitat area within the watershed to determine whether the reaches occupied by the species contain the physical or biological features (PCEs) essential to conservation. The Teams also relied on their experience conducting section 7 consultations to determine whether the features “may require special management considerations or protection.” The Teams’ rating of habitat areas as having a high, medium, or low conservation value informed our discretionary balancing consideration in ESA section 4(b)(2). The Teams were also tasked with assessing whether there were any unoccupied areas within the historical range of the DPSs that were essential for conservation. Further details on the Team’s methods for determining relative conservation values and ratings of habitat areas can be found in the proposed rule (78 FR 2726, January 14, 2013), and that discussion is incorporated herein by reference.

#### **Species Descriptions and Area Assessments**

The proposed rule describes in greater detail the life history traits and conservation status of lower Columbia

River coho and Puget Sound steelhead, and the Teams' assessment of habitat areas. None of the information we received from public comments on the proposed rule affected our consideration of this information for this final rule. As such, the information on these DPSs' life history traits, conservation status, and habitat assessments remain the same as described in the proposed rule (78 FR 2726, January 14, 2013), and that discussion is incorporated herein by reference. Since publishing our proposed rule, we have monitored recovery planning progress for both DPSs. Notably, several months after

proposing critical habitat, we released an ESA recovery plan addressing lower Columbia River coho (78 FR 41911, July 12, 2013; NMFS, 2013), and in 2015 the Puget Sound TRT completed assessments identifying historical populations and viability criteria for Puget Sound steelhead (Myers *et al.*, 2015; Hard *et al.*, 2015). We considered this new information during the development of this final critical habitat designation and determined that, aside from some minor changes to steelhead population names, it did not change the area assessments and conclusions reached in our proposed critical habitat

designation. However, in response to comments on our proposed rule and review by fisheries co-managers in Washington and Oregon, we edited our distribution data/maps for lower Columbia River coho salmon to better reflect the areas occupied at the time of listing. Tables 1 and 2 summarize the changes made for specific watersheds in the range of each DPS, including the removal of areas incorrectly identified as occupied habitat in the proposed rule (referred to as "unoccupied areas" in these tables), while more detailed information is contained in the CHART report (NMFS, 2015a).

TABLE 1—CHANGES TO CRITICAL HABITAT DESIGNATION FOR LOWER COLUMBIA RIVER COHO SALMON

Subbasin	Watershed code	Watershed name	Changes from proposed rule
MIDDLE COLUMBIA/HOOD ...	1707010506	East Fork Hood River .....	Added 0.6 miles (1.0 km) of occupied habitat areas in one stream and removed 0.2 miles (0.3 km) of unoccupied areas in one stream.
MIDDLE COLUMBIA/HOOD ...	1707010507	West Fork Hood River .....	Added 1.1 miles (1.8 km) of occupied habitat areas in one stream and removed 1.4 miles (2.3 km) of unoccupied areas in one stream.
MIDDLE COLUMBIA/HOOD ...	1707010511	Wind River .....	Removed 68.8 miles (110.7 km) of unoccupied areas in the Wind River above Shipherd Falls.
MIDDLE COLUMBIA/HOOD ...	1707010512	Middle Columbia/Grays Creek	Added 0.4 miles (0.6 km) of occupied habitat areas in one stream.
LOWER COLUMBIA/SANDY ..	1708000101	Salmon River .....	Added 0.6 miles (1.0 km) of occupied habitat areas in two streams.
LOWER COLUMBIA/SANDY ..	1708000102	Zigzag River .....	Added 2.6 miles (4.2 km) of occupied habitat areas in three streams.
LOWER COLUMBIA/SANDY ..	1708000103	Upper Sandy River .....	Added 1.3 miles (2.1 km) of occupied habitat areas in nine streams.
LOWER COLUMBIA/SANDY ..	1708000104	Middle Sandy River .....	Added 1.8 miles (2.9 km) of occupied habitat areas in three streams.
LOWER COLUMBIA/SANDY ..	1708000105	Bull Run River .....	Added 2.5 miles (4.0 km) of occupied habitat areas in one stream.
LOWER COLUMBIA/SANDY ..	1708000107	Columbia Gorge Tributaries ...	Removed 0.5 miles (0.8 km) of unoccupied areas in one stream.
LOWER COLUMBIA/SANDY ..	1708000108	Lower Sandy River .....	Added 0.3 miles (0.5 km) of occupied habitat areas in one stream.
LEWIS .....	1708000201	Upper Lewis River .....	Removed 0.2 miles (0.3 km) of unoccupied areas in one stream.
LEWIS .....	1708000203	Swift Reservoir .....	Added 4.3 miles (6.9 km) of occupied habitat areas in two streams.
LEWIS .....	1708000206	Lower Lewis River .....	Removed 0.4 miles (0.6 km) of unoccupied areas in one stream.
LOWER COLUMBIA/ CLATSKANIE.	1708000302	Beaver Creek/Columbia River	Added 6.1 miles (9.8 km) of occupied habitat areas in two streams.
LOWER COLUMBIA/ CLATSKANIE.	1708000303	Clatskanie River .....	Added 0.7 miles (1.1 km) of occupied habitat areas in one stream and removed 1.1 miles (1.8 km) of unoccupied areas in one stream.
LOWER COLUMBIA/ CLATSKANIE.	1708000306	Plympton Creek .....	Removed 1.3 miles (2.1 km) of unoccupied areas in one stream.
UPPER COWLITZ .....	1708000401	Headwaters Cowlitz River .....	Removed 0.3 miles (0.5 km) of unoccupied areas in two streams.
UPPER COWLITZ .....	1708000402	Upper Cowlitz River .....	Removed 1.1 miles (0.5 km) of unoccupied areas in three streams.
UPPER COWLITZ .....	1708000403	Cowlitz Valley Frontal .....	Added 0.1 miles (0.2 km) of occupied habitat areas in one stream and removed 1.3 miles (2.1 km) of unoccupied areas in four streams.
UPPER COWLITZ .....	1708000404	Upper Cispus River .....	Removed 0.1 miles (0.2 km) of unoccupied areas in one stream.
UPPER COWLITZ .....	1708000405	Lower Cispus River .....	Added 1.0 miles (1.6 km) of occupied habitat areas in two streams and removed 0.9 miles (1.4 km) of unoccupied areas in three streams.
LOWER COWLITZ .....	1708000501	Tilton River .....	Added 1.4 miles (2.3 km) of occupied habitat areas in four streams and removed 1.7 miles (2.7 km) of unoccupied areas in seven streams.

TABLE 1—CHANGES TO CRITICAL HABITAT DESIGNATION FOR LOWER COLUMBIA RIVER COHO SALMON—Continued

Subbasin	Watershed code	Watershed name	Changes from proposed rule
LOWER COWLITZ .....	1708000503	Jackson Prairie .....	Added 21.5 miles (34.6 km) of occupied habitat areas in eight streams.
LOWER COLUMBIA .....	1708000601	Youngs River .....	Added 7.7 miles (12.4 km) of occupied habitat areas in eleven streams and removed 1.3 miles (2.1 km) of unoccupied areas in three streams.
LOWER COLUMBIA .....	1708000602	Big Creek .....	Added 1.0 miles (1.6 km) of occupied habitat areas in two streams.
CLACKAMAS .....	1709001102	Upper Clackamas River .....	Removed 1.1 miles (1.8 km) of unoccupied areas in one stream.
CLACKAMAS .....	1709001104	Middle Clackamas River .....	Added 1.1 miles (1.8 km) of occupied habitat areas in three streams.
CLACKAMAS .....	1709001106	Lower Clackamas River .....	Added 0.9 miles (1.4 km) of occupied habitat areas in one stream.
LOWER WILLAMETTE .....	1709001201	Johnson Creek .....	Added 4.6 miles (7.4 km) of occupied habitat areas in eleven streams.
LOWER WILLAMETTE .....	1709001202	Scappoose Creek .....	Added 6.6 miles (10.6 km) of occupied habitat areas in five streams.
LOWER WILLAMETTE .....	1709001203	Columbia Slough/Willamette River.	Added 5.3 miles (8.5 km) of occupied habitat areas in one stream.

TABLE 2—CHANGES TO CRITICAL HABITAT DESIGNATION FOR PUGET SOUND STEELHEAD

Subbasin	Watershed code	Watershed name	Changes from proposed rule
STRAIT OF GEORGIA .....	1711000201	Bellingham Bay .....	Added 4.9 miles (7.9 km) of occupied habitat areas in two streams.
STRAIT OF GEORGIA .....	1711000202	Samish River .....	Added 0.2 miles (0.3 km) of occupied habitat areas in two streams.
STRAIT OF GEORGIA .....	1711000204	Birch Bay .....	Added 2.9 miles (4.7 km) of occupied habitat areas in five streams.
NOOKSACK .....	1711000401	Upper North Fork Nooksack River.	Added 2.0 miles (3.2 km) of occupied habitat areas in seven streams and removed 10.7 miles (17.2 km) of unoccupied areas in five streams.
NOOKSACK .....	1711000403	South Fork Nooksack River ....	Added 2.3 miles (3.7 km) of occupied habitat areas in eight streams and removed 3.6 miles (5.8 km) of unoccupied areas in three streams.
NOOKSACK .....	1711000404	Lower North Fork Nooksack River.	Added 2.3 miles (3.7 km) of occupied habitat areas in five streams and removed 4.2 miles (7.6 km) of unoccupied areas in eight streams.
NOOKSACK .....	1711000405	Nooksack River .....	Added 10.4 miles (16.7 km) of occupied habitat areas in seven streams and removed 2.3 miles (3.7 km) of unoccupied areas in two streams.
STILLAGUAMISH .....	1711000801	North Fork Stillaguamish River	Added 0.9 miles (1.4 km) of occupied habitat areas in one stream and removed 2.3 miles (3.7 km) of unoccupied areas in one stream.
STILLAGUAMISH .....	1711000802	South Fork Stillaguamish River.	Added 5.0 miles (8.0 km) of occupied habitat areas in four streams.
STILLAGUAMISH .....	1711000803	Lower Stillaguamish River .....	Added 1.0 miles (1.6 km) of occupied habitat areas in one stream.
SNOQUALMIE .....	1711001004	Lower Snoqualmie River .....	Added 3.1 miles (5.0 km) of occupied habitat areas in one stream.
SNOHOMISH .....	1711001101	Pilchuck River .....	Added 5.4 miles (8.7 km) of occupied habitat areas in four streams.
LAKE WASHINGTON .....	1711001201	Cedar River .....	Added 15.5 miles (25.9 km) of occupied habitat areas in nine streams.
DUWAMISH .....	1711001301	Upper Green River .....	Added 15.6 miles (25.1 km) of occupied habitat areas in twelve streams.
DUWAMISH .....	1711001302	Middle Green River .....	Added 5.8 miles (9.3 km) of occupied habitat areas in four streams.
DUWAMISH .....	1711001303	Lower Green River .....	Added 12.1 miles (19.5 km) of occupied habitat areas in six streams.
HOOD CANAL .....	1711001806	Big Quilcene River .....	Added 3.1 miles (5.0 km) of occupied habitat areas in one stream and removed 4.1 miles (6.6 km) of unoccupied areas in one stream.
KITSAP .....	1711001900	Kennedy/Goldsborough .....	Corrected the erroneous reference to the Puget Sound subbasin in our regulations and added 0.7 miles (1.1 km) of occupied habitat areas in one stream.
KITSAP .....	1711001901	Puget .....	Added 4.9 miles (7.9 km) of occupied habitat areas in seven streams.

TABLE 2—CHANGES TO CRITICAL HABITAT DESIGNATION FOR PUGET SOUND STEELHEAD—Continued

Subbasin	Watershed code	Watershed name	Changes from proposed rule
KITSAP .....	1711001904	Puget Sound/East Passage ....	Added 0.4 miles (0.6 km) of occupied habitat areas in one stream.
DUNGENESS/ELWHA .....	1711002007	Elwha River .....	Added 2.6 miles (4.2 km) of occupied habitat areas in one stream.

### Application of ESA Section 4(b)(2)

Specific areas eligible for designation as critical habitat are those that fall within the ESA section 3(5)(A) definition, not including lands owned or controlled by the DOD, or designated for its use, that are covered by an INRMP that we have determined in writing provides a benefit to the species. Specific areas eligible for designation are not automatically designated as critical habitat. Section 4(b)(2) of the ESA requires that the Secretary consider the economic impact, impact on national security, and any other relevant impact of designating those areas. The Secretary has the discretion to exclude a “particular area” from designation if he determines the benefits of exclusion (that is, avoiding the impact that would result from designation), outweigh the benefits of designation. The Secretary may not exclude an area from designation if, based on the best available scientific and commercial information, exclusion will result in the extinction of the species. Because the authority to exclude is “wholly” discretionary, exclusion is not required for any areas.

The first step in conducting an ESA section 4(b)(2) analysis is to identify the “particular areas” to be analyzed. Section 3(5) of the ESA defines critical habitat as “specific areas,” while section 4(b)(2) requires the agency to consider certain factors before designating any “particular area.” Depending on the biology of the species, the characteristics of its habitat, and the nature of the impacts of designation, “specific” areas might be different from, or the same as, “particular” areas. For lower Columbia River coho and Puget Sound steelhead, we analyzed two types of “particular” areas. Where we considered economic impacts, and weighed the economic benefits of exclusion against the conservation benefits of designation, we used the same biologically based “specific” areas we had identified under section 3(5)(A), the HUC5 watershed. This worked well because upslope and upstream activities in a watershed can affect the stream within the watershed (see the Final Economic Analysis (NMFS, 2015b) for

definition of the HUC5s and more information). This approach allowed us to most effectively consider the conservation value of the different areas when balancing conservation benefits of designation against economic benefits of exclusion. Where we considered impacts on Indian lands and lands subject to a HCP, however, we instead used a delineation of “particular” areas based on ownership or control of the area. Specifically, these particular areas consisted of occupied freshwater and estuarine areas that overlap with Indian and HCP lands. This approach allowed us to consider impacts and benefits associated with land ownership and management by Indian tribes and HCP partners.

The use of two different types of areas required us to account for overlapping boundaries (that is, ownership may span many watersheds and watersheds may have mixed ownership). The order in which we conducted the section 4(b)(2) balancing became important because of this overlap. To ensure we were not double-counting the benefits of exclusion, we first considered exclusion of particular areas based on land ownership and determined which areas to recommend for exclusion. We then considered economic exclusion of particular areas based on watersheds, with the economic impact for each watershed adjusted based on whether a given type of ownership had already been recommended for exclusion.

### Benefits of Designation

The primary benefit of designation is the protection afforded under the ESA section 7 requirement that all federal agencies ensure their actions are not likely to destroy or adversely modify designated critical habitat. This type of benefit is sometimes referred to as an incremental benefit because the protections afforded to the species from critical habitat designation are in addition to the requirement that all federal agencies ensure their actions are not likely to jeopardize the continued existence of the species. In addition, the designation may enhance the conservation of habitat by informing the public about areas and features important to species conservation. This

may help focus and contribute to conservation efforts for salmon and steelhead and their habitats.

With sufficient information, it may be possible to monetize these benefits of designation by first quantifying the benefits expected from an ESA section 7 consultation and translating that into dollars. We are not aware, however, of any available data to monetize the benefits of designation (*e.g.*, estimates of the monetary value of the physical and biological features within specific areas that meet the definition of critical habitat, or of the monetary value of general benefits such as education and outreach). In an alternative approach that we have commonly used in the past (70 FR 52630, September 2, 2005), we qualitatively assessed the benefit of designation for each of the specific areas identified as meeting the definition of critical habitat for each DPS. Our qualitative consideration began with an evaluation of the conservation value of each area. We considered a number of factors to determine the conservation value of an area, including the quantity and quality of physical or biological features, the relationship of the area to other areas within the DPS, and the significance to the DPS of the population occupying that area.

There are many federal activities that occur within the specific areas that could impact the conservation value of these areas. Regardless of designation, federal agencies are required under Section 7 of the ESA to ensure these activities are not likely to jeopardize the continued existence of lower Columbia River coho and Puget Sound steelhead. If the specific areas are designated as critical habitat, federal agencies will additionally be required to ensure their actions are not likely to adversely modify the critical habitat. We grouped the potential federal activities that would be subject to this additional protection into several broad categories: Water supply, in-stream work, development, federal lands management, transportation, utilities, mining, and hydropower.

The benefit of designating a particular area depends upon the likelihood of a section 7 consultation occurring in that area and the degree to which a

consultation would yield conservation benefits for the species. Based on past consultations for listed salmon and steelhead in this region, we estimated that a total of 55 actions would require section 7 consultation annually for lower Columbia River coho within the particular areas being considered for designation (NMFS, 2015b). For Puget Sound steelhead, we estimated that a total of 117 actions would require section 7 consultation annually within the particular areas being considered for designation (NMFS, 2015b). The most common activity types subject to consultation in the range of each DPS would be in-stream work and transportation projects, accounting for approximately 80 percent of estimated actions (a complete list of the estimated annual actions, allocated by particular area, is included in the Final Economic Analysis (NMFS, 2015b)). These activities have the potential to adversely affect water quality and substrate composition and quality for salmon and steelhead. Consultation would yield conservation benefits for the species by preventing or ameliorating such habitat effects.

#### *Impacts of Designation*

Section 4(b)(2) of the ESA provides that the Secretary shall consider “the economic impact, impact on national security, and any other relevant impact of specifying any particular area as critical habitat.” The primary impact of a critical habitat designation stems from the requirement under section 7(a)(2) of the ESA that federal agencies ensure their actions are not likely to result in the destruction or adverse modification of critical habitat. Determining this impact is complicated by the fact that section 7(a)(2) contains the overlapping requirement that federal agencies must ensure their actions are not likely to jeopardize the species’ continued existence. The true impact of designation is the extent to which federal agencies modify their actions to ensure their actions are not likely to destroy or adversely modify the critical habitat of the species, beyond any modifications they would make because of listing and the jeopardy requirement. Additional impacts of designation include state and local protections that may be triggered as a result of the designation. In addition, if the area designated overlaps an area previously designated as critical habitat for another species, the true impact of designation is the modification federal agencies would make beyond any modification they would make to avoid adversely modifying the already-designated critical habitat.

In determining the impacts of designation, we predicted the incremental change in federal agency actions as a result of critical habitat designation and the adverse modification prohibition, beyond the changes predicted to occur as a result of listing and the jeopardy provision. In August 2013, we and the U.S. Fish and Wildlife Service (USFWS) published a final rule amending our joint regulations at 50 CFR 424.19 to make clear that in considering impacts of designation as required by Section 4(b)(2) we would consider the incremental impacts (78 FR 53058, August 28, 2013). More recently, several courts (including the 9th Circuit Court of Appeals) have approved an approach that considers the incremental impact of designation. The **Federal Register** notice announcing the final rule on considering impacts of designation describes and discusses these court cases (*Arizona Cattlegrowers’ Ass’n v. Salazar*, 606 F3d 1160, 1172–74 (9th Cir. 2010), cert. denied, 131 S. Ct. 1471, 179 L. Ed. 2d 300 (2011); *Homebuilders Ass’n v. FWS*, 616 F3d 983, 991–993 (9th Cir. 2010) cert. denied, 131 S. Ct. 1475, 179 L. Ed. 2d 301 (2011)). Further, in more recent critical habitat designations, we and the USFWS have considered the incremental impact of critical habitat designation (for example, our designation of critical habitat for the Southern DPS of green sturgeon (74 FR 52300, October 9, 2009) and the Southern DPS of eulachon (76 FR 65324, October 20, 2011), and the USFWS’s designation of critical habitat for the Oregon chub (75 FR 11031, March 10, 2010)). Consistent with our regulation, the more recent court cases, and more recent agency practice, we estimated the incremental impacts of designation, beyond the impacts that would result from the listing and jeopardy provision. In addition, because these designations almost completely overlap our previous salmonid critical habitat designations, and the essential features are the same, we estimated only the incremental impacts of designation beyond the impacts already imposed by those prior designations.

To determine the impact of designation, we examined what the state of the world would be with the designation of critical habitat for the lower Columbia River coho and Puget Sound steelhead DPSs and compared it to the state of the world without the designations. The “without critical habitat” scenario represents the baseline for the analysis. It includes process requirements and habitat protections already afforded these DPSs under their

federal listing or under other federal, state, and local regulations. Such regulations include protections afforded to habitat supporting these two DPSs from other co-occurring ESA listings and critical habitat designations, in particular listings/designations for West Coast salmon and steelhead (70 FR 52630, September 2, 2005). In the case of lower Columbia River coho, the designation overlaps with existing designations for lower Columbia River steelhead and Chinook and Columbia River chum, as well as several DPSs that spawn upstream in the middle and upper Columbia and Snake Rivers. In the case of Puget Sound steelhead, the designation overlaps with existing designations for Puget Sound Chinook and Hood Canal summer-run chum. The “with critical habitat” scenario describes the incremental impacts associated specifically with the designation of critical habitat for lower Columbia River coho and Puget Sound steelhead. The primary impacts of critical habitat designation we found were: (1) The costs associated with additional administrative effort of including a critical habitat analysis in section 7 consultations for these two DPSs, (2) project modifications required solely to avoid destruction or adverse modification of their critical habitat, (3) potential impacts on national security if particular areas were designated critical habitat for Puget Sound steelhead, and (4) the possible harm to our working relationship with Indian tribes and some HCP landowners. There are no military areas eligible for designation that overlap with critical habitat areas, so we did not consider impacts to national security. Because we have chosen to balance benefits and consider exclusions, we consider these impacts in more detail below in the section devoted to each type of impact.

#### *Economic Impacts*

Our economic analysis sought to determine the impacts on land uses and activities from the designation of critical habitat that are above and beyond—or incremental to—those “baseline” impacts due to existing or planned conservation efforts being undertaken due to other federal, state, and local regulations or guidelines (NMFS, 2015b). Other federal agencies, as well as state and local governments, may also seek to protect the natural resources under their jurisdiction. If compliance with the Clean Water Act or State environmental quality laws, for example, protects habitat for the species, such protective efforts are considered to be baseline protections and costs associated with these efforts



are not quantified as impacts of critical habitat designation.

When critical habitat is designated, section 7 of the ESA requires federal agencies to ensure that their actions will not result in the destruction or adverse modification of critical habitat (in addition to ensuring that the actions are not likely to jeopardize the continued existence of the species). The added administrative costs of considering critical habitat in section 7 consultations and the additional impacts of implementing project modifications to protect critical habitat are the direct result of the designation of critical habitat. These costs are not in the baseline and are considered incremental impacts of the rulemaking.

Incremental impacts may also include the direct costs associated with additional effort for future consultations, reinitiated consultations, new consultations occurring specifically because of the designation, and additional project modifications that would not have been required to avoid jeopardizing the continued existence of the species. Additionally, incremental impacts may include indirect impacts resulting from reaction to the designation of critical habitat (*e.g.*, developing ESA HCPs in an effort to avoid designation of critical habitat), triggering of additional requirements under State or local laws intended to protect sensitive habitat, and uncertainty and perceptual effects on markets.

To evaluate the economic impact of critical habitat we first examined our ESA section 7 consultation record for West Coast salmon and steelhead. That voluminous record includes consultations on habitat-modifying federal actions both where critical habitat has been designated and where it has not. As further explained in the supporting economic report (NMFS, 2015b), to quantify the economic impact of designation, we employed the following three steps:

- (1) Define the geographic study area for the analysis, and identify the units of analysis (the "particular areas"). In this case, we defined HUC5 watersheds that encompass occupied stream reaches as the study area.

- (2) Identify potentially affected economic activities and determine how management costs may increase due to the designation of critical habitat for lower Columbia River coho and Puget Sound steelhead, both in terms of project administration and project modification.

- (3) Estimate the economic impacts associated with these changes in management.

We estimated a total annualized incremental cost of approximately \$357,815 for designating all specific areas as critical habitat for lower Columbia River coho. The greatest costs are associated with transportation, water supply, and in-stream work activities (see NMFS, 2015b). The Columbia Slough/Willamette River HUC5 watershed had the largest estimated annual impacts (\$54,000) while the Jackson Prairie HUC5 watershed had the lowest, with zero estimated annual impacts (NMFS, 2015b).

For Puget Sound steelhead, we estimated a total annualized incremental administrative cost of approximately \$460,924 for designating all specific areas as critical habitat. The greatest costs are associated with transportation and in-stream work activities (see NMFS, 2015b). Several watersheds located throughout the range of the DPS had zero estimated annual impacts, while the Lake Washington HUC5 watershed had the largest estimated annual impacts (\$103,000) (NMFS, 2015b).

In weighing economic impacts, we followed the policy direction from Executive Order 12866 to "maximize net benefits" and seek to achieve regulatory objectives in "the most cost effective manner." Consistent with our past practice for salmon and steelhead critical habitat designations, we took into consideration a cost-effectiveness approach giving priority to excluding habitat areas with a relatively lower benefit of designation and a relatively higher economic impact. The circumstances of these and other listed salmon and steelhead DPSs can make a cost-effectiveness approach useful because different areas have different conservation value relative to one another. Pacific salmon and steelhead are wide-ranging species and occupy numerous habitat areas with thousands of stream miles. Not all occupied areas are of equal importance to conserving a DPS. Within the currently occupied range there are areas that historically were more or less productive, that are currently more or less degraded, or that support populations that are more or less central to conservation of the DPS as a whole. As a result, in many cases it may be possible to construct a designation scenario in which conservation of the DPS as a whole will be possible even if the entire area meeting the definition of critical habitat is not designated. This creates the potential to consider exclusions where conservation values are relatively low and economic impacts are relatively high. This is the same approach we took in our 2005 salmonid critical habitat

designations (70 FR 52630, September 2, 2005) and green sturgeon critical habitat designation (74 FR 52300, October 9, 2009).

In seeking a cost-effective designation that would minimize economic impacts, we also heeded the policy direction to conserve salmon and steelhead habitat described above. In accordance with the policy direction to conserve salmon and steelhead habitat, we are not excluding any habitat areas based on economic impacts if exclusion would "significantly impede conservation." We adopted this test because habitat loss and degradation are leading factors for the decline of both DPSs (70 FR 37160, June 28, 2005; 72 FR 26722, May 11, 2007), and habitat protection and restoration have been identified as key actions in Lower Columbia River and Puget Sound recovery plans and assessments (Puget Sound Salmon Recovery Plan, 2009; Judge, 2011; NMFS, 2013). Consistent with this test, we did not consider any areas for an economic exclusion that we had identified as having a high conservation value. We gave greater weight to the benefit of designating these high value areas than to the benefit of avoiding economic impacts because of the historic loss and degradation of habitat, the ongoing threats to habitat, and the importance of habitat protection and restoration in recovering the DPSs. The approach taken here is the same approach we took in our 2005 salmon and steelhead critical habitat designations (70 FR 52630, September 2, 2005) and green sturgeon critical habitat designation (74 FR 52300, October 9, 2009). Also consistent with this test, we are not excluding any medium or low quality habitat areas if we concluded that their exclusion would significantly impede conservation, as described further below.

In the first step of balancing economic benefits, we identified for potential exclusion the low value habitat areas with an annual economic impact greater than or equal to \$10,000 and the medium value habitat areas with an annual economic impact greater than or equal to \$100,000. These dollar thresholds are substantially lower than the thresholds we used in our 2005 designations because here we have used the incremental impact of designation, while in the 2005 rule we used the coextensive impact of designation. (Our 2005 rule explains in greater detail how and why we relied on coextensive impacts (see 70 FR 52630, September 2, 2005)). As with the 2005 designations, the thresholds we selected for identifying habitat areas eligible for exclusion do not represent an objective

judgment that, for example, a low value area is worth a certain dollar amount and no more. The statute directs us to balance dissimilar values but also emphasizes the discretionary nature of the balancing task. The cost estimates developed by our economic analysis do not have obvious break points that would lead to a logical division between “high,” “medium,” and “low” costs. Given these factors, a judgment that any particular dollar threshold is objectively “right,” would be neither necessary nor possible. Rather, what economic impact is high and, therefore, might outweigh the benefit of designating a medium or low value habitat area is a matter of discretion and depends on the policy context.

In the second step of the process, we asked the Teams whether exclusion of any of the low- or medium-value habitat areas would significantly impede conservation of the DPS. The Teams considered this question in the context of: (1) The Indian lands and HCP lands they assumed would be excluded based on “other relevant impacts” (exclusions discussed later in this report), (2) all of the areas eligible for economic exclusion, and (3) the information they had developed in providing the conservation ratings. The Critical Habitat Designations section below describes the results of applying the two-step process to each DPS. The results are discussed in greater detail in a separate report that is available for public review (NMFS, 2015c).

#### *Other Relevant Impacts—Impacts to Tribal Sovereignty and Self-Governance*

Much of the benefit of designating critical habitat on Indian lands is the same as designating critical habitat on other lands. In an ESA section 7 consultation, federal agencies must ensure their actions do not destroy or adversely modify the designated critical habitat, in addition to ensuring their actions do not jeopardize the continued existence of the species. There is a broad array of activities on Indian lands that may trigger section 7 consultations. The other benefit is the notice that designation gives that an area is important to conservation of the species. Both of these benefits may be diminished by the fact that tribes are actively working to address the habitat needs of the species on their lands as well, as in the larger ecosystem, and are fully aware of the conservation value of their lands. (This is documented in correspondence from the tribes, several in response to the agency’s ANPR (76 FR 1392, January 10, 2011)).

Indian lands affected by a critical habitat designation only occur within

the range of the Puget Sound steelhead DPS, and they comprise only a minor portion (approximately 2 percent) of the total habitat under consideration for designation (NMFS, 2015c). This percentage is likely an overestimate as it includes all habitat area within reservation boundaries. In many cases, a considerable portion of the land within the reservation boundaries is no longer held in trust for the tribe or in fee status by individual tribal members.

The longstanding and distinctive relationship between the federal and tribal governments is defined by treaties, statutes, executive orders, judicial decisions, and agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal Government. This relationship has given rise to a special federal trust responsibility involving the legal responsibilities and obligations of the United States toward Indian Tribes with respect to Indian lands, tribal trust resources, and the exercise of tribal rights (e.g., Executive Order 13175 and Secretarial Order 3206). Pursuant to these federal policies and authorities, lands have been retained by Indian Tribes or have been set aside for tribal use. These lands are managed by Indian Tribes in accordance with tribal goals and objectives within the framework of applicable treaties and laws.

In addition to the distinctive trust relationship, for Pacific salmonids in the Northwest, there is a unique partnership between the Federal Government and Indian tribes regarding salmonid management. Northwest Indian tribes are regarded as “co-managers” of the salmonid resource, along with federal and state managers. This co-management relationship evolved as a result of numerous court decisions clarifying the tribes’ treaty right to take fish in their usual and accustomed places. The tribes have stated in letters and meetings that designation of Indian lands as critical habitat will undermine long-term working relationships and reduce the capacity of tribes to participate at current levels in the many and varied forums addressing ecosystem management and conservation of fisheries resources. In the decision *Center for Biological Diversity v. Norton*, 240 F. Supp. 2d 1090 (D. Ariz. 2003), the court held that a positive working relationship with Indian tribes is a relevant impact that can be considered when weighing the relative benefits of a critical habitat.

The current co-manager process addressing activities on an ecosystem-wide basis throughout the Northwest is

beneficial for the conservation of the salmonids. We also believe that maintenance of our current co-manager relationship consistent with existing policies is an important benefit to continuance of our tribal trust responsibilities and relationship. Based upon our consultation with the Tribes, we believe that designation of Indian lands as critical habitat would adversely impact our working relationship and the benefits resulting from this relationship. The benefits of excluding Indian lands from designation include: (1) The furtherance of established national policies, our federal trust obligations and our deference to the tribes in management of natural resources on their lands; (2) the maintenance of effective long-term working relationships to promote the conservation of salmonids on an ecosystem wide basis across four states; (3) the allowance for continued meaningful collaboration and cooperation in scientific work to learn more about the conservation needs of the species on an ecosystem-wide basis; and (4) continued respect for tribal sovereignty over management of natural resources on Indian lands through established tribal natural resource programs.

Based upon these considerations, we have determined to exercise agency discretion under ESA section 4(b)(2) and exclude Indian lands from the critical habitat designation for Puget Sound steelhead. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order, including: (1) Lands held in trust by the United States for the benefit of any Indian tribe; (2) land held in trust by the United States for any Indian Tribe or individual subject to restrictions by the United States against alienation; (3) fee lands, either within or outside the reservation boundaries, owned by the tribal government; and (4) fee lands within the reservation boundaries owned by individual Indians. These particular areas comprise only 2 percent of the total area under consideration for designation as critical habitat for Puget Sound steelhead (NMFS, 2015c).

#### *Other Relevant Impacts—Impacts to Landowners With Contractual Commitments to Conservation*

Conservation agreements with non-federal landowners (e.g., HCPs) enhance species conservation by extending species protections beyond those available through section 7 consultations. We have encouraged non-federal landowners to enter into conservation agreements, based on a

view that we can achieve greater species' conservation on non-federal land through such voluntary partnerships than we can through coercive methods (61 FR 63854, December 2, 1996).

Section 10(a)(1)(B) of the ESA authorizes us to issue to non-federal entities a permit for the incidental take of endangered and threatened species. This permit allows a non-federal landowner to proceed with an activity that is legal in all other respects, but that results in the incidental taking of a listed species (*i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). The ESA specifies that an application for an incidental take permit must be accompanied by a conservation plan, and specifies the content of such a plan. The purpose of such an HCP is to describe and ensure that the effects of the permitted action on covered species are adequately minimized and mitigated, and that the action does not appreciably reduce the likelihood of the survival and recovery of the species.

In previous critical habitat designations for West Coast salmon and steelhead (70 FR 52630, September 2, 2005), we have exercised discretion to exclude some (but not all) lands covered by an HCP from designation after concluding that benefits of exclusion outweighed the benefits of designation. For lands covered by an HCP, the benefits of designation typically arise from section 7 protections as well as enhanced public awareness. The benefits of exclusion generally include relieving regulatory burdens on existing conservation partners, maintaining good working relationships with them (thus enhancing implementation of existing HCPs), and encouraging the development of new partnerships.

We contacted the HCP landowners whose lands were excluded in our 2005 designations (Washington Department of Natural Resources, Green Diamond Resources Company, and West Fork Timber Company) to discuss the critical habitat designations for lower Columbia River coho and Puget Sound steelhead. We also contacted several additional landowners whose HCPs had been authorized subsequent to our 2005 critical habitat designations (Washington Forest Practices, City of Portland-Bull Run Water Supply, and City of Kent Water Supply) or were existing then but now determined to overlap with new habitat areas being considered for designation (J.L. Storedahl and Sons). All of them except one (City of Portland) requested that their lands be excluded from designation as critical habitat for these

DPSs, and were of the opinion that exclusion would be a benefit and enhance the partnership between NMFS and the HCP landowner. We also reviewed the activities covered by the HCPs, the protections afforded by the HCP agreement, and the federal activities that are likely to occur on the affected lands (NMFS, 2015c). From this information, we determined that, in most cases, the conservation benefits to the species from the HCPs outweigh the conservation benefits of designation and, therefore, are excluding HCP lands where the landowner or regulator demonstrated that exclusion would have the benefit of improving our working relationship with them or with those whose lands were covered by the HCP. One exception involves specific lands on the Kitsap Peninsula that are not currently identified as being actively enrolled under Washington Forest Practices HCP and which we have determined warrant critical habitat designation for Puget Sound steelhead (NMFS 2015c).

#### **Exclusion Will Not Result in Extinction of the Species**

Section 4(b)(2) limits our discretion to exclude areas from designation if exclusion will result in extinction of the species.

Because we have not recommended excluding any habitat areas based on economic impacts if the exclusion would significantly impede conservation, we have determined for each DPS that the exclusion of the areas we recommend based on economic impacts will not result in the extinction of either DPS. All areas excluded are of low conservation value. Moreover, they comprise a small fraction—less than 5 percent—of all habitat areas considered for designation as critical habitat for either DPS.

We also conclude that excluding Indian lands—and thereby furthering the federal government's policy of promoting respect for tribal sovereignty and self-governance—will not result in extinction of either species. Habitat on Indian lands represents a small proportion of total area occupied by the Puget Sound steelhead DPS and the Tribes are actively engaged in fisheries, habitat management, and species recovery programs that benefit steelhead and other salmonids.

In addition, we conclude that excluding lands covered by several HCPs will not result in extinction of either species. These particular HCPs result in management actions that promote conservation of the listed species in a manner that is not available through the section 7 requirements

regarding critical habitat. Excluding these HCP areas from designation is expected to enhance our relationship with the landowner and may provide an incentive to other landowners to seek conservation agreements with us. These outcomes will, in turn, generally benefit our recovery efforts to foster voluntary efforts on vast areas of nonfederal lands which make up a large proportion of each species' range and will play a critical role in avoiding species extinction.

In total, for lower Columbia River coho we are designating 2,300 stream miles (3,701 km) and excluding 1,045 stream miles (1,682 km), and for Puget Sound steelhead we are designating 2,031 stream miles (3,269 km) and excluding 1,569 stream miles (2,525 km). For the following reasons, we conclude that these exclusions, in combination, will not result in the extinction of either DPS:

(1) Except for exclusions due to economic impacts, there are no watersheds that are excluded in their entirety. The most area excluded for any single watershed is the Lower West Hood Canal watershed, with 78 percent excluded due to the presence of HCPs. This area was rated as having a low conservation value.

(2) Although the extent of the exclusions overall is significant (nearly 50 percent of the critical habitat for Puget Sound steelhead and nearly 30 percent of the critical habitat for lower Columbia coho), and many of the areas excluded are of medium or high conservation value to the species, most of the exclusions are based on the presence of HCPs, which have a conservation benefit for the species. Also, the likely leverage to obtain significant conservation benefits from an ESA section 7 consultation is expected to be low for most areas. Because the presence of high quality forested habitat is key to salmon and steelhead recovery, the protections of the HCP, which all involve forested/riparian lands, will have significant benefits over the long term as riparian forest habitat is developed. In addition, we believe that the HCP exclusions, in particular, may provide an incentive to other landowners to seek conservation agreements with us.

(3) The few cases where an entire watershed was excluded (due to economic impacts), the Teams deemed all involved habitat areas to be of low conservation value.

(4) The Indian land exclusions involve stream reaches that are already managed by the tribes for salmonid conservation.

**Critical Habitat Designations**

In previous salmonid critical habitat designations we identified the end-point of designated stream segments using latitude and longitude coordinates and provided maps depicting the designated areas (70 FR 52630, September 2, 2005). In May of 2012, we and the USFWS amended our regulations regarding critical habitat designation (77 FR 25611, May 1, 2012). The revised regulation provides that the boundaries of critical habitat as mapped or otherwise described in the Regulation Promulgation section of a rulemaking published in the **Federal Register** will

be the official delineation of the designation (50 CFR 424.12). In this designation, we include both the latitude-longitude coordinates and maps to make it easier to compare the areas designated with overlapping areas designated for other salmon and steelhead DPSs in 2005 (70 FR 52630, September 2, 2005).

*Lower Columbia River Coho Salmon*

We are designating approximately 2,300 stream miles (3,701 km) within the geographical area presently occupied by the lower Columbia River coho DPS (see Table 3). Other ESA-

listed species in this area with designated critical habitat include lower Columbia River Chinook and steelhead, Columbia River chum (70 FR 52630, September 2, 2005), bull trout (75 FR 63898, October 18, 2010), green sturgeon (74 FR 52300, October 9, 2009), and the Southern DPS of eulachon (76 FR 65324, October 20, 2011). Also, the mainstem lower Columbia River is designated critical habitat for numerous other salmon and steelhead DPSs whose spawning range is upstream of the area presently occupied by lower Columbia River coho (70 FR 52630, September 2, 2005).

**TABLE 3—APPROXIMATE QUANTITY OF HABITAT AND OWNERSHIP WITHIN WATERSHEDS CONTAINING HABITAT AREAS DESIGNATED AS CRITICAL HABITAT FOR LOWER COLUMBIA RIVER COHO SALMON**

Streams and lakes mi (km)	Land ownership type (percent)			
	Federal	Tribal	State	Private
2,300 (3,701)	14.6	0	2.0	83.4

The areas designated are all occupied and contain physical and biological features essential to the conservation of the species that may require special management considerations or protection. No unoccupied areas were identified that are considered essential for the conservation of the species. There are 55 watersheds within the range of this DPS. Three watersheds received a low conservation value rating, 18 received a medium rating, and 34 received a high rating (NMFS, 2015a). The lower Columbia River rearing/migration corridor downstream

of the spawning range is considered to have a high conservation value. As a result of the balancing process for economic impacts described above, we are excluding from the designation all or portions of 28 watersheds listed in Table 4. Of the habitat areas eligible for designation, approximately 27 stream miles (43 km) or 0.8 percent are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Also, we are excluding approximately 1,018 stream miles (1,638 km) covered by 4 HCPs (J.L. Storedahl and Sons HCP, Washington Department

of Natural Resources—West of Cascades HCP, Washington Forest Practices HCP, and West Fork Timber HCP) because the benefits of exclusion outweigh the benefits of designation. None of the HCP exclusions overlap with areas also excluded due to economic impacts. Total estimated economic impact, with no exclusions, is \$357,815. The economic-related exclusions identified in Table 4 would reduce the total estimated economic impact approximately 4 percent to \$344,315 (NMFS, 2015b).

**TABLE 4—HABITAT AREAS WITHIN THE GEOGRAPHICAL RANGE OF LOWER COLUMBIA RIVER COHO SALMON AND EXCLUDED FROM CRITICAL HABITAT**

[WDNR = Washington Department of Natural Resources; WFP = Washington Forest Practices; WFT = West Fork Timber]

Watershed code	Watershed name	Area(s) excluded
1707010509	Wind River	WFP HCP lands.
1707010511	Wind River	WDNR and WFP HCP lands.
1707010512	Middle Columbia/Grays Creek	WFP HCP lands.
1707010513	Middle Columbia/Eagle Creek	WFP HCP lands.
1708000106	Washougal River	WDNR and WFP HCP lands.
1708000107	Columbia River Gorge Tributaries	WDNR and WFP HCP lands.
1708000109	Salmon Creek	WDNR and WFP HCP lands.
1708000201	Upper Lewis River	WFP HCP lands.
1708000202	Muddy River	WFP HCP lands.
1708000203	Swift Reservoir	WDNR and WFP HCP lands.
1708000204	Yale Reservoir	WDNR and WFP HCP lands.
1708000205	East Fork Lewis River	WDNR, WFP, and Storedahl HCP lands.
1708000206	Lower Lewis River	WDNR and WFP HCP lands.
1708000301	Kalama River	WDNR and WFP HCP lands.
1708000304	Germany/Abernathy	WDNR and WFP HCP lands.
1708000305	Skamokawa/Elochoman	WDNR and WFP HCP lands.
1708000402	Upper Cowlitz River	WDNR and WFP HCP lands.
1708000403	Cowlitz Valley Frontal	WDNR, WFP, and WFT HCP lands.
1708000405	Lower Cispus River	WFP HCP lands.
1708000501	Tilton River	WDNR, WFP, and WFT HCP lands.
1708000502	Riffe Reservoir	WDNR and WFP HCP lands.
1708000503	Jackson Prairie	WDNR and WFP HCP lands.

TABLE 4—HABITAT AREAS WITHIN THE GEOGRAPHICAL RANGE OF LOWER COLUMBIA RIVER COHO SALMON AND EXCLUDED FROM CRITICAL HABITAT—Continued

[WDNR = Washington Department of Natural Resources; WFP = Washington Forest Practices; WFT = West Fork Timber]

Watershed code	Watershed name	Area(s) excluded
1708000504	North Fork Toutle River	WDNR and WFP HCP lands.
1708000506	South Fork Toutle River	WFP HCP lands.
1708000507	East Willapa	WDNR and WFP HCP lands.
1708000508	Coweeman	WDNR and WFP HCP lands.
1708000603	Grays Bay	WDNR and WFP HCP lands.
1709000704	Abernethy Creek	Entire watershed due to economic impacts.

*Puget Sound Steelhead*

We are designating approximately 2,031 stream miles (3,269 km) within the geographical area presently

occupied by the Puget Sound steelhead DPS (see Table 5). Other ESA-listed salmonids in this area with designated critical habitat include Puget Sound

Chinook, Hood Canal summer-run chum (70 FR 52630, September 2, 2005), and bull trout (75 FR 63898, October 18, 2010).

TABLE 5—APPROXIMATE QUANTITY OF HABITAT AND OWNERSHIP WITHIN WATERSHEDS CONTAINING HABITAT AREAS DESIGNATED AS CRITICAL HABITAT FOR PUGET SOUND STEELHEAD

Streams mi (km)	Land ownership type (percent)			
	Federal	Tribal	State	Private
2,031 (3,269)	15.5	0	3.8	80.7

The areas designated are all occupied and contain physical and biological features essential to the conservation of the species that may require special management considerations or protection. One unoccupied area in the upper Elwha River watershed was identified as essential for the conservation of the species and is being designated as critical habitat. There are 66 watersheds within the range of this DPS. Nine watersheds received a low conservation value rating, 16 received a medium rating, and 41 received a high rating to the DPS (NMFS, 2015a).

Approximately 28 stream miles (45 km) are not designated because they are within lands controlled by the military

that contain qualifying INRMPS. Approximately 70 miles (113 km) of stream are within the boundaries of Indian reservations, but only those reaches defined as Indian lands (see *Government-to-Government Relationship With Tribes*) are excluded. Also, we are excluding approximately 1,361 miles (2,190 km) of stream covered by four HCPs (City of Kent, Green Diamond, Washington Department of Natural Resources—West of Cascades HCP, and Washington Forest Practices HCP) because the benefits of exclusion outweigh the benefits of designation. As a result of the balancing process for economic impacts described above, the Secretary

is excluding from the designation all or portions of the 60 watersheds listed in Table 6. Of the habitat areas eligible for designation, approximately 138 stream miles (222 km) or 3.8 percent are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Only a small amount (22 stream miles (35 km)) are excluded due to economic impacts overlap with areas also excluded as HCP lands or Indian lands. Total estimated economic impact, with no exclusions, is \$460,924. The economic-related exclusions identified in Table 6 reduces the total estimated economic impact approximately 29 percent to \$326,966 (NMFS, 2015c).

TABLE 6—HABITAT AREAS WITHIN THE GEOGRAPHICAL RANGE OF PUGET SOUND STEELHEAD AND EXCLUDED FROM CRITICAL HABITAT

[WDNR = Washington Department of Natural Resources; WFP = Washington Forest Practices]

Watershed code	Watershed name	Area(s) excluded
1711000201	Bellingham Bay	WDNR and WFP HCP lands.
1711000202	Samish River	WDNR and WFP HCP lands.
1711000204	Birch Bay	WFP HCP lands.
1711000401	Upper North Fork Nooksack River	WDNR and WFP HCP lands.
1711000402	Middle Fork Nooksack River	WDNR and WFP HCP lands.
1711000403	South Fork Nooksack River	Indian lands and WDNR and WFP HCP lands.
1711000404	Lower North Fork Nooksack River	Indian lands and WDNR and WFP HCP lands.
1711000405	Nooksack River	Indian lands and WDNR and WFP HCP lands.
1711000504	Skagit River/Gorge Lake	WFP HCP lands.
1711000505	Skagit River/Diobsud Creek	WDNR and WFP HCP lands.
1711000506	Cascade River	WDNR and WFP HCP lands.
1711000507	Skagit River/Illabot Creek	WDNR and WFP HCP lands.
1711000508	Baker River	WFP HCP lands.
1711000601	Upper Sauk River	WFP HCP lands.
1711000603	Lower Suiattle River	WDNR and WFP HCP lands.

TABLE 6—HABITAT AREAS WITHIN THE GEOGRAPHICAL RANGE OF PUGET SOUND STEELHEAD AND EXCLUDED FROM CRITICAL HABITAT—Continued

[WDNR = Washington Department of Natural Resources; WFP = Washington Forest Practices]

Watershed code	Watershed name	Area(s) excluded
1711000604	Lower Sauk River	Indian lands and WDNR and WFP HCP lands.
1711000701	Middle Skagit River/Finney Creek	WDNR and WFP HCP lands.
1711000702	Lower Skagit River/Nookachamps Creek	WDNR and WFP HCP lands.
1711000801	North Fork Stillaguamish River	WDNR and WFP HCP lands.
1711000802	South Fork Stillaguamish River	WDNR and WFP HCP lands and DOD lands.
1711000803	Lower Stillaguamish River	WDNR and WFP HCP lands.
1711000901	Tye and Beckler Rivers	WDNR and WFP HCP lands.
1711000902	Skykomish River Forks	WDNR and WFP HCP lands.
1711000903	Skykomish River/Wallace River	WDNR and WFP HCP lands.
1711000904	Sultan River	WDNR and WFP HCP lands.
1711000905	Skykomish River/Woods Creek	WDNR and WFP HCP lands.
1711001003	Middle Fork Snoqualmie River	WDNR and WFP HCP lands.
1711001004	Lower Snoqualmie River	WDNR and WFP HCP lands.
1711001101	Pilchuck River	WDNR and WFP HCP lands.
1711001102	Snohomish River	Indian lands and WDNR and WFP HCP lands.
1711001201	Cedar River	WDNR and City of Kent HCP lands.
1711001202	Lake Sammamish	Entire watershed due to economic impacts (including WDNR and WFP HCP lands).
1711001203	Lake Washington	Entire watershed due to economic impacts.
1711001204	Sammamish River	Entire watershed due to economic impacts (including WDNR and WFP HCP lands).
1711001301	Upper Green River	WFP HCP lands.
1711001302	Middle Green River	Indian lands and WDNR HCP lands.
1711001303	Lower Green River	Indian lands.
1711001401	Upper White River	WDNR and WFP HCP lands.
1711001402	Lower White River	Indian lands and WFP HCP lands.
1711001403	Carbon River	WDNR and WFP HCP lands.
1711001405	Lower Puyallup River	Indian lands and WFP HCP lands.
1711001502	Mashel/Ohop	WDNR and WFP HCP lands.
1711001503	Lowland	Indian lands, DOD lands, and WFP HCP lands.
1711001601	Prairie 1	WFP HCP lands.
1711001602	Prairie 2	WFP HCP lands.
1711001701	Skokomish River	Indian lands and WFP and Green Diamond HCP lands.
1711001802	Lower West Hood Canal Frontal	WDNR and WFP HCP lands.
1711001804	Duckabush River	WDNR and WFP HCP lands.
1711001806	Big Quilcene River	WDNR and WFP HCP lands.
1711001807	Upper West Hood Canal Frontal	WDNR and WFP HCP lands and DOD lands.
1711001808	West Kitsap	WDNR and WFP HCP lands (except those WFP HCP lands overlapping with areas occupied by Puget Sound steelhead and not classified as being in an approved or renewed status by the Washington Department of Natural Resources as of September 2015).
1711001900	Kennedy/Goldsborough	Indian lands and WDNR and WFP, and Green Diamond HCP lands.
1711001901	Puget	WDNR and WFP HCP lands (except those WFP HCP lands overlapping with areas occupied by Puget Sound steelhead and not classified as being in an approved or renewed status by the Washington Department of Natural Resources as of September 2015).
1711001902	Prairie 3	WDNR and WFP HCP lands.
1711001906	Chambers Creek	DOD Lands.
1711001908	Port Ludlow/Chimacum Creek	WDNR and WFP HCP lands.
1711002001	Discovery Bay	WDNR and WFP HCP lands.
1711002002	Sequim Bay	Indian lands and WDNR and WFP HCP lands.
1711002003	Dungeness River	WDNR and WFP HCP lands.
1711002004	Port Angeles Harbor	WDNR and WFP HCP lands.
1711002007	Elwha River	Indian lands and WDNR and WFP HCP lands.

*Lateral Extent of Critical Habitat*

In past designations, we have described the lateral extent of critical habitat in various ways, ranging from fixed distances to “functional” zones defined by important riparian functions (65 FR 7764, February 16, 2000). Designating a set riparian zone width will (in some places) accurately reflect the distance from the stream on which

essential features might be found, but in other cases may overstate or understate the distance. Designating a functional buffer avoids that problem, but makes it difficult for federal agencies to know in advance what areas are critical habitat. To address these issues, we are defining the lateral extent of designated critical habitat as the width of the stream channel defined by the ordinary high water line as defined by the U.S. Army

Corps of Engineers in 33 CFR 329.11. In areas for which ordinary high-water has not been defined pursuant to 33 CFR 329.11, the width of the stream channel shall be defined by its bankfull elevation. Bankfull elevation is the level at which water begins to leave the channel and move into the floodplain (Rosgen, 1996) and is reached at a discharge which generally has a recurrence interval of 1 to 2 years on the

annual flood series (Leopold *et al.*, 1992). Such an interval is commensurate with nearly all of the juvenile freshwater life phases of most salmon and steelhead DPSs. Therefore, it is reasonable to assert that for an occupied stream reach this lateral extent is regularly “occupied.” Moreover, the bankfull elevation can be readily discerned for a variety of stream reaches and stream types using recognizable water lines (*e.g.*, marks on rocks) or vegetation boundaries (Rosgen, 1996). Since 2005, this has proven to be a successful approach for defining the lateral extent of critical habitat for West Coast salmon and steelhead (70 FR 52630, September 2, 2005); therefore, we will continue the practice in this final rule.

As underscored in previous critical habitat designations, the quality of aquatic habitat within stream channels is intrinsically related to the adjacent riparian zones and floodplain, surrounding wetlands and uplands, and non-fish-bearing streams above occupied stream reaches. Human activities that occur outside the stream or designated critical habitat can modify or destroy physical and biological features of the stream. In addition, human activities that occur within and adjacent to reaches upstream (*e.g.*, road failures) or downstream (*e.g.*, dams) of designated stream reaches can also have demonstrable effects on physical and biological features of designated reaches. This designation will help to ensure that federal agencies are aware of these important habitat linkages for lower Columbia River coho and Puget Sound steelhead.

In the few cases where we are designating lakes/reservoirs as critical habitat, the lateral extent may best be defined as the perimeter of the water body as displayed on standard 1:24,000 scale topographic maps or the elevation of ordinary high water, whichever is greater.

#### Effects of Critical Habitat Designation

Section 7(a)(2) of the ESA requires federal agencies to insure that any action authorized, funded, or carried out by the agency (agency action) does not jeopardize the continued existence of any threatened or endangered species or destroy or adversely modify designated critical habitat. When a species is listed or critical habitat is designated, federal agencies must consult with us on any agency actions to be conducted in an area where the species is present and that may affect the species or its critical habitat. During the consultation, we evaluate the agency action to determine whether the action may adversely affect

listed species or critical habitat and issue our findings in a biological opinion. If we conclude in the biological opinion that the agency action would likely result in the destruction or adverse modification of critical habitat, we would also recommend any reasonable and prudent alternatives to the action. Reasonable and prudent alternatives are defined in 50 CFR 402.02 as alternative actions identified during formal consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the federal agency’s legal authority and jurisdiction, that are economically and technologically feasible, and that would avoid the destruction or adverse modification of critical habitat.

Regulations at 50 CFR 402.16 require federal agencies that have retained discretionary involvement or control over an action, or where such discretionary involvement or control is authorized by law, to reinitiate consultation on previously reviewed actions in instances in which (1) critical habitat is subsequently designated; or (2) new information or changes to the action may result in effects to critical habitat not previously considered in the biological opinion. Consequently, some federal agencies may request reinitiation of a consultation with us on actions for which formal consultation has been completed if those actions may affect designated critical habitat.

Activities subject to the ESA section 7 consultation process include activities on federal lands and activities on private or state lands requiring a permit from a federal agency (*e.g.*, a Clean Water Act, Section 404 dredge or fill permit from U.S. Army Corps of Engineers) or some other federal action, including funding (*e.g.*, ESA Section 6, Federal Highway Administration, or Federal Emergency Management Agency funding). Section 7 consultation would not be required for federal actions that do not affect listed species or critical habitat, nor for actions on non-federal and private lands that are not carried out, funded, or authorized by a federal agency.

#### Activities That May Be Affected By Critical Habitat Designation

ESA section 4(b)(8) requires in any proposed or final regulation to designate critical habitat an evaluation and brief description of those activities (whether public or private) that may adversely modify such habitat or that may be affected by such designation. A wide variety of activities may affect designated critical habitat and may be subject to the ESA section 7

consultation process when carried out, funded, or authorized by a federal agency. These include water and land management actions of numerous federal agencies (*i.e.*, Bonneville Power Administration, Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), Department of Housing and Urban Development, DOD, Farm Service Agency, Federal Emergency Management Agency (FEMA), Federal Energy Regulatory Commission (FERC), Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, NOAA, National Park Service (NPS), Natural Resource Conservation Service, Natural Resources Conservation Service, Nuclear Regulatory Commission (NRC), U.S. Army Corps of Engineers (USACE), U.S. Bureau of Reclamation (BOR), U.S. Coast Guard, U.S. Department of Energy, U.S. Department of Transportation, U.S. Forest Service (USFS), USFWS, and U.S. Geological Survey) and related or similar federally-regulated projects and activities on federal lands, including hydropower sites licensed by the FERC; nuclear power sites licensed by the NRC; dams built or operated by the USACE or BOR; timber sales and other vegetation management activities conducted by the USFS, BLM and BIA; irrigation diversions authorized by the USFS and BLM; and road building and maintenance activities authorized by the USFS, BLM, NPS, and BIA. Other actions of concern include: Dredging and filling, mining, diking, and bank stabilization activities authorized or conducted by the USACE; habitat modifications authorized by FEMA; and approval of water quality standards and pesticide labeling and use restrictions administered by the Environmental Protection Agency.

Private entities may also be affected by these critical habitat designations if a federal permit is required, if federal funding is received, or the entity is involved in or receives benefits from a federal project. For example, private entities may have special use permits to convey water or build access roads across federal land; they may require federal permits to construct irrigation withdrawal facilities, or build or repair docks; they may obtain water from federally funded and operated irrigation projects; or they may apply pesticides that are only available with federal agency approval. These activities will need to be evaluated with respect to their potential to destroy or adversely modify critical habitat for lower Columbia River coho and Puget Sound steelhead. Changes to some activities,

such as the operations of dams and dredging activities, may be necessary to minimize or avoid destruction or adverse modification of critical habitat. Transportation and utilities sectors may need to modify the placement of culverts, bridges, and utility conveyances (e.g., water, sewer, and power lines) to avoid barriers to fish migration. Developments (e.g., marinas, residential, or industrial facilities) occurring in or near streams, estuaries, or marine waters designated as critical habitat that require federal authorization or funding may need to be altered or built in a manner to ensure that critical habitat is not destroyed or adversely modified as a result of the construction or subsequent operation of the facility. Questions regarding whether specific activities will constitute destruction or adverse modification of critical habitat should be directed to NMFS (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

#### Information Quality Act and Peer Review

The data and analyses supporting this action have undergone a pre-dissemination review and have been determined to be in compliance with applicable information quality guidelines implementing the Information Quality Act (IQA) (Section 515 of Pub. L. 106–554). In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review pursuant to the IQA. The Bulletin was published in the **Federal Register** on January 14, 2005 (70 FR 2664). The Bulletin established minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation with regard to certain types of information disseminated by the Federal Government. The peer review requirements of the OMB Bulletin apply to influential or highly influential scientific information disseminated on or after June 16, 2005. Two documents supporting these critical habitat designations are considered influential scientific information and subject to peer review. These documents are the final biological report (NMFS, 2015a) and final economic analysis (NMFS, 2015b). We distributed these documents for independent peer review and have addressed all comments received in developing the final drafts of the two reports. Both documents are available on our Web site at <http://www.westcoast.fisheries.noaa.gov/>.

#### Classification

*Regulatory Flexibility Act (5 U.S.C. 601 et seq.)*

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a final regulatory flexibility analysis describing the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). We prepared a final regulatory flexibility analysis (which incorporates information from the initial regulatory flexibility analysis) as part of the final economic analysis (NMFS, 2015b). This document is available upon request (see **ADDRESSES** section above) and can be found on our Web site at <http://www.westcoast.fisheries.noaa.gov/>. The results of the final regulatory flexibility analysis are summarized below, organized by determinations prescribed in section 604 of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

(1) This rule is needed in order to comply with the ESA's requirement to designate critical habitat to the maximum extent prudent and determinable when species are listed as threatened or endangered. The objectives of this action are to help conserve threatened lower Columbia River coho and Puget Sound steelhead by identifying critical habitat areas, consistent with the best available scientific information, that contain the physical and biological features essential to the conservation of the species and which may require special management considerations or protection. Once designated, this critical habitat can be protected through the ESA section 7 consultation process in which NMFS and federal action agencies review the effects of federal actions on the survival and recovery of these species.

(2) We solicited but did not receive comments on our initial regulatory flexibility analysis from the public nor from the Chief Counsel for Advocacy of the Small Business Administration.

(3) The impacts to small businesses were assessed for the following broad categories of activities: Hydropower, development, in-stream work, water supply, federal lands management, transportation, utilities, mining, and other activities (including water, sewer, and oil/gas pipeline construction). Small entities are defined by the Small Business Administration size standards for each activity type. Of potentially

affected entities, 89 percent are classified as likely to be "small." We estimated the annualized costs associated with ESA section 7 consultations incurred per small business under two different scenarios. We developed these scenarios because unavailable or inadequate data leaves some uncertainty surrounding both the numbers of entities that will be subject to the rule and the characteristics of any impacts on particular entities. Under Scenario 1, our analysis estimates the number of small entities located within areas that may be affected by the designation (approximately 5,381 for lower Columbia River coho, and 12,758 for Puget Sound steelhead), and assumes that incremental impacts are distributed evenly across all entities in each affected activity category (*i.e.*, an assumption that accounts for uncertainties in available data). Under this scenario, for lower Columbia River coho, a small entity may bear costs up to \$3,430, representing less than 0.12 percent of average revenues (depending on the activity category). For Puget Sound steelhead, a small entity may bear costs up to \$1,260, representing less than 0.05 percent of average revenues (depending on the activity category).

Under scenario 2, our analysis assumes costs of each anticipated future consultation are borne by a distinct small business (approximately 55 entities for lower Columbia River coho, 117 for Puget Sound steelhead). Under this scenario, in the range of lower Columbia River coho critical habitat, each small entity may bear costs of between \$1,120 and \$31,000, representing between <0.01 and 0.46 percent of average annual revenues, depending on the activity category. In the range of Puget Sound steelhead critical habitat, each small entity may bear costs of between \$510 and \$5,930, representing between <0.01 and 0.17 percent of average annual revenues, depending on the activity category.

(4) There are no record-keeping or reporting requirements associated with this final rule. Similarly, there are no other compliance requirements in the rule. There are no professional skills necessary for preparation of any report or record.

(5) In accordance with the requirements of the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), our analysis considered various alternatives to the critical habitat designations for these DPSs. The alternative of not designating critical habitat for these DPSs was considered and rejected because such an



approach does not meet the legal requirements of the ESA. We also examined and rejected a second alternative in which all the potential critical habitat for these two DPSs is designated (*i.e.*, no areas are excluded) because some of the areas considered to have a low conservation value also had relatively high economic impacts that might be mitigated by excluding those areas from designation. A third alternative we examined and rejected would exclude all habitat areas with a low or medium conservation value. While this alternative furthers the goal of reducing economic impacts, it is not sensitive to the fact that, for both of these DPSs, eliminating all habitat areas with low and medium conservation value is likely to significantly impede conservation. Moreover, for some habitat areas the incremental economic benefit from excluding that area is relatively small or zero. Therefore, after considering these three alternatives in the context of the section 4(b)(2) process of weighing benefits of exclusion against benefits of designation, we determined that the approach used in this final rule (*i.e.*, designating some, but not all, areas with low or medium conservation value) provides an appropriate balance of conservation and economic mitigation and that excluding the areas identified in this rulemaking will not result in extinction of the DPSs.

#### *Executive Order 12866*

This final rule has been determined to be not significant under Executive Order 12866.

#### *Executive Order 13211*

On May 18, 2001, the President issued an executive order on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking any action that promulgates or is expected to lead to the promulgation of a final rule or regulation that (1) is a significant regulatory action under Executive Order 12866 and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy.

We have considered the potential impacts of this action on the supply, distribution, or use of energy and find the designation of critical habitat will not have impacts that exceed the thresholds identified above (NMFS, 2015b).

#### *Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)*

In accordance with the Unfunded Mandates Reform Act, we make the following findings:

(a) This final rule will not produce a federal mandate. In general, a federal mandate is a provision in legislation, statute or regulation that would impose an enforceable duty upon state, local, tribal governments, or the private sector and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)–(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or tribal governments" with two exceptions. It excludes "a condition of Federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to state, local, and tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding" and the state, local, or tribal governments "lack authority" to adjust accordingly. (At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement.)

"Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program." The designation of critical habitat does not impose a legally binding duty on non-federal government entities or private parties. Under the ESA, the only regulatory effect is that federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-federal entities which receive federal funding, assistance, permits or otherwise require approval or authorization from a federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of

critical habitat rests squarely on the federal agency. Furthermore, to the extent that non-federal entities are indirectly impacted because they receive federal assistance or participate in a voluntary federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above to state governments.

(b) Due to the existing protection afforded to the critical habitat from existing critical habitat for salmon and steelhead (70 FR 52630, September 2, 2005), Southern DPS of green sturgeon (74 FR 52300, October 9, 2009), bull trout (70 FR 56212, September 26, 2005), and the Southern DPS of eulachon (76 FR 65324, October 20, 2011), we do not anticipate that this final rule will significantly or uniquely affect small governments. As such, a Small Government Agency Plan is not required.

#### *Takings*

Under Executive Order 12630, federal agencies must consider the effects of their actions on constitutionally protected private property rights and avoid unnecessary takings of property. A taking of property includes actions that result in physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its value or use. In accordance with Executive Order 12630, this final rule does not have significant takings implications. A takings implication assessment is not required. The designation of critical habitat affects only federal agency actions. We do not expect the critical habitat designations will impose additional burdens on land use or affect property values. Additionally, the critical habitat designations do not preclude the development of HCPs and issuance of incidental take permits for non-federal actions. Owners of areas included within the critical habitat designations would continue to have the opportunity to use their property in ways consistent with the survival of listed salmon and steelhead.

#### *Federalism*

In accordance with Executive Order 13132, we determined that this final rule does not have significant Federalism effects and that a Federalism assessment is not required. In keeping with Department of Commerce policies, we request information from, and will coordinate development of these critical habitat designations with, appropriate state resource agencies in Oregon and Washington. The final designations may

have some benefit to state and local resource agencies in that the areas essential to the conservation of the species are more clearly defined, and the essential features of the habitat necessary for the survival of the subject DPSs are specifically identified. It may also assist local governments in long-range planning (rather than waiting for case-by-case ESA section 7 consultations to occur).

*Government-to-Government Relationship With Tribes*

Pursuant to Executive Order 13175 and Secretarial Order 3206, we contacted the affected Indian Tribes when considering the designation of critical habitat in an area that may impact tribal trust resources, tribally owned fee lands or the exercise of tribal rights. All of the responding tribes expressed concern about the intrusion into tribal sovereignty that critical habitat designation represents. These concerns are consistent with previous responses from tribes when we developed critical habitat designations for salmon and steelhead in 2005 (70 FR 52630, September 2, 2005). The Secretarial Order defines Indian lands as “any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or (2) held by an Indian Tribe or individual subject to restrictions by the United States against alienation.” Our conversations with the tribes indicate that they view the designation of Indian lands as an unwanted intrusion into tribal self-governance, compromising the government-to-government relationship that is essential to achieving our mutual goal of conserving threatened and endangered salmonids.

For the general reasons described in the *Other Relevant Impacts—Impacts to Tribal Sovereignty and Self-Governance* section above, the ESA Section 4(b)(2) analysis has led us to exclude all Indian lands in our final designations for lower Columbia River coho and Puget Sound steelhead.

*Civil Justice Reform*

The Department of Commerce has determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988. We are designating critical habitat in accordance with the provisions of the ESA. This final rule uses standard property descriptions and identifies the essential features within the designated areas to assist the public in understanding the habitat needs of lower Columbia River coho and Puget Sound steelhead.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This final rule does not contain new or revised information collection requirements for which OMB approval is required under the Paperwork Reduction Act (PRA). This final rule will not impose recordkeeping or reporting requirements on state or local governments, individuals, businesses, or organizations. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

*National Environmental Policy Act of 1969 (NEPA)*

We have determined that an environmental analysis as provided for under NEPA is not required for critical habitat designations made pursuant to the ESA. See *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied, 116 S. Ct. 698 (1996).

*Coastal Zone Management Act*

Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1456) requires that all federal activities that affect the land or water use or natural resource of the coastal zone be consistent with approved state

coastal zone management programs to the maximum extent practicable. We have determined that these final designations of critical habitat are consistent to the maximum extent practicable with the enforceable policies of approved Coastal Zone Management Programs of Oregon and Washington.

**References Cited**

A complete list of all references cited in this rulemaking can be found on our Web site at <http://www.westcoast.fisheries.noaa.gov/> and is available upon request from the NMFS office in Portland, Oregon (see ADDRESSES).

**List of Subjects**

*50 CFR Part 223*

Endangered and threatened species, Exports, Transportation.

*50 CFR Part 226*

Endangered and threatened species.

Dated: February 11, 2016.

**Samuel D. Rauch, III**,  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

For the reasons set out in the preamble, we amend 50 CFR parts 223 and 226 as follows:

**PART 223—THREATENED MARINE AND ANADROMOUS SPECIES**

■ 1. The authority citation for part 223 continues to read as follows:

**Authority:** 16 U.S.C. 1531–1543 and 16 U.S.C 1361 *et seq.*

■ 2. In § 223.102, in the table in paragraph (e) under “Fishes,” amend the entries for “Salmon, coho (Lower Columbia River ESU)” and “Steelhead (Puget Sound DPS)” by adding the cross-references in the “Critical habitat” column to read as follows:

**§ 223.102 Enumeration of threatened marine and anadromous species.**

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

Species <sup>1</sup>			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*
FISHES					
*	*	*	*	*	*
Salmon, coho (Lower Columbia River ESU) .....	* * *	* * *	* * *	226.212	* * *
Steelhead (Puget Sound DPS) .....	* * *	* * *	* * *	226.212	* * *
*	*	*	*	*	*

\* \* \* \* \*

**PART 226—DESIGNATED CRITICAL HABITAT**

■ 3. The authority citation of part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

■ 4. In § 226.212:

- a. Revise the section heading and introductory text;
- b. Revise paragraph (a) introductory text;
- c. Add paragraphs (a)(14) and (15);
- d. Revise paragraph (c) introductory text and paragraphs (e)(9) and (e)(23) and (24);
- e. Add paragraph (e)(25);

- f. Revise paragraph (f) introductory text;
  - g. Add paragraphs (f)(1), (f)(2), (f)(5), and (f)(6);
  - h. Redesignate paragraphs (g) and (h) as paragraphs (f)(3) and (f)(4);
  - i. Revise newly redesignated paragraphs (f)(3) and (f)(4);
  - j. Redesignate paragraphs (i) through (u) as paragraphs (g) through (s); and
  - i. Add paragraphs (t) and (u).
- The revisions and additions read as follows:

**§ 226.212 Critical habitat for 15 Distinct Population Segments (DPSs) of salmon and steelhead (*Oncorhynchus* spp.) in Washington, Oregon and Idaho.**

Critical habitat is designated in the following states and counties for the

following DPSs as described in paragraph (a) of this section, and as further described in paragraphs (b) through (g) of this section. The textual descriptions of critical habitat for each DPS are included in paragraphs (i) through (w) of this section, and these descriptions are the definitive source for determining the critical habitat boundaries. General location maps are provided at the end of each DPS description (paragraphs (i) through (w) of this section) and are provided for general guidance purposes only, and not as a definitive source for determining critical habitat boundaries.

(a) Critical habitat is designated for the following DPSs in the following states and counties:

DPS	* * *
(14) Lower Columbia River coho salmon .....	(i) OR—Clackamas, Clatsop, Columbia, Hood River, Marion, and Multnomah. (ii) WA—Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum.
(15) Puget Sound steelhead .....	WA—Clallam, Jefferson, King, Kitsap, Mason, Pierce, Skagit, Snohomish, Thurston, and Whatcom.

\* \* \* \* \*

(c) *Primary constituent elements.* Within these areas, the primary constituent elements essential for the conservation of these DPSs are those sites and habitat components that support one or more life stages, including:

- (e) \* \* \*  
(9) Fort Lewis (Joint Base Lewis-McChord—Army and Air Force);
- (23) Dabob Bay/Whitney Point naval restricted area;
- (24) Port Townsend/Indian Island/Walan Point naval restricted area; and
- (25) Naval Base Kitsap.

(f) *Land covered by an approved Habitat Conservation Plan.* Critical habitat does not include any areas subject to an approved incidental take permit issued by NMFS under section 10(a)(1)(B) of the ESA. The specific sites addressed include those associated with the following Habitat Conservation Plans:

- (1) Washington Department of Natural Resources—West of Cascades
- (2) Washington State Forest Practices, except those lands on the Kitsap Peninsula overlapping with areas occupied by Puget Sound steelhead and not classified as being in an approved or renewed status by the Washington Department of Natural Resources as of September 2015.

- (3) Green Diamond Company.
- (4) West Fork Timber Company.
- (5) City of Kent.
- (6) J.L. Storedahl and Sons.

(t) *Lower Columbia River Coho Salmon (*Oncorhynchus kisutch*).* Critical habitat is designated to include the areas defined in the following subbasins:

- (1) Middle Columbia-Hood Subbasin 17070105—(i) *East Fork Hood River Watershed 1707010506.* Outlet(s) = Hood River (Lat 45.605237, Long -121.633264); upstream to endpoint(s) in: Bear Creek (45.491952, -121.648262); Cat Creek (45.470499, -121.555174); Dog River (45.447412, -121.567406); East Fork Hood River (45.310783, -121.626954); East Fork Hood River (45.412671, -121.570369); Evans Creek (45.486998, -121.590438); Graham Creek (45.551655, -121.567021); Griswell Creek (45.522055, -121.577151); Pinnacle Creek (45.460671, -121.656379); Pocket Creek (45.302362, -121.597799); Tony Creek (45.540932, -121.644048); Yellowjacket Creek (45.502652, -121.561138).
- (ii) *West Fork Hood River Watershed 1707010507.* Outlet(s) = West Fork Hood River (Lat 45.605237, Long -121.633264); upstream to endpoint(s) in: Green Point Creek (45.590219, -121.681893); McGee Creek (45.443322, -121.774845).

(iii) *Hood River Watershed 1707010508.* Outlet(s) = Hood River (Lat 45.712335, Long -121.508062); upstream to endpoint(s) in: Lenz Creek (45.627282, -121.527217); Unnamed (45.695827, -121.499524); Hood River (45.605237, -121.633264); Neal Creek (45.589032, -121.495443); West Fork Neal Creek (45.589791, -121.50157); Whiskey Creek (45.682589, -121.507362).

(iv) *White Salmon River Watershed 1707010509.* Outlet(s) = White Salmon River (Lat 45.722453, Long -121.522507); upstream to endpoint(s) in: White Salmon River (45.767475, -121.538582).

(v) *Little White Salmon River Watershed 1707010510.* Outlet(s) = Little White Salmon River (Lat 45.709771, -121.648828); upstream to endpoint(s) in: Little White Salmon River (45.721722, -121.640905).

(vi) *Wind River Watershed 1707010511.* Outlet(s) = Wind River (Lat 45.708031, Long -121.7937); upstream to endpoint(s) in: Little Wind River (45.764902, -121.743713); Wind River (45.738012, -121.805768).

(vii) *Middle Columbia/Grays Creek Watershed 1707010512.* Outlet(s) = Columbia River (Lat 45.704232, Long -121.799197); upstream to endpoint(s) in: Unnamed (45.709771, -121.648828); Unnamed (45.71305, -121.765469); Unnamed (45.717006, -121.775974); Unnamed (45.724676,

– 121.733359); Dog Creek (45.711575, – 121.670928); Gorton Creek (45.691091, – 121.773139); Columbia River (45.712335, – 121.508062); Lindsey Creek (45.686538, – 121.716427); Perham Creek (45.694389, – 121.636322); Viento Creek (45.697116, – 121.668995).

(viii) *Middle Columbia/Eagle Creek Watershed 1707010513*. Outlet(s) = Unnamed (Lat 45.644489, Long – 121.940679); upstream to endpoint(s) in: Unnamed (45.665271, – 121.8177); Unnamed (45.667271, – 121.849896); Unnamed (45.668788, – 121.845446); Unnamed (45.681125, – 121.861863); Unnamed (45.710132, – 121.845697); Camp Creek (45.667436, – 121.817935); Carson Creek (45.715784, – 121.820829); Columbia River (45.704232, – 121.799197); Eagle Creek (45.636481, – 121.918349); East Fork Herman Creek (45.653835, – 121.814038); Herman Creek (45.65053, – 121.819282); Kanaka Creek (45.703936, – 121.886202); Nelson Creek (45.70486, – 121.863199); Ruckel Creek (45.646027, – 121.920243).

(2) Lower Columbia-Sandy Subbasin 17080001—(i) *Salmon River Watershed 1708000101*. Outlet(s) = Salmon River (Lat 45.247288, Long – 121.897384); upstream to endpoint(s) in: Unnamed (45.294351, – 121.93992); Unnamed (45.327567, – 121.964685); Unnamed (45.333577, – 121.954887); Unnamed (45.343325, – 121.993355); Bighorn Creek (45.261413, – 121.920687); Boulder Creek (45.344594, – 122.022551); Cheeney Creek (45.298138, – 121.966984); Copper Creek (45.250573, – 121.906523); Salmon River (45.250793, – 121.903932); South Fork Salmon River (45.262376, – 121.94569); Welches Creek (45.322357, – 121.96209); Little Cheney Creek (45.315925, – 121.957706).

(ii) *Zigzag River Watershed 1708000102*. Outlet(s) = Zigzag River (Lat 45.348502, Long – 121.945268); upstream to endpoint(s) in: Unnamed (45.264488, – 121.835176); Unnamed (45.309925, – 121.867436); Little Zigzag Canyon (45.313577, – 121.804646); Camp Creek (45.304981, – 121.813197); Cool Creek (45.292765, – 121.884534); Henry Creek (45.328447, – 121.895142); Lady Creek (45.319762, – 121.823709); Still Creek (45.266162, – 121.82967); Wind Creek (45.298307, – 121.856182); Zigzag River (45.326883, – 121.779753).

(iii) *Upper Sandy River Watershed 1708000103*. Outlet(s) = Sandy River (Lat 45.348695, – 121.945224); upstream to endpoint(s) in: Unnamed (45.375211, – 121.831255); Unnamed (45.381082, – 121.827389); Unnamed (45.38147, – 121.902185); Unnamed

(45.394711, – 121.794578); Unnamed (45.399767, – 121.901436); Unnamed (45.37727, – 121.865508); Unnamed (45.393118, – 121.862562); Unnamed (45.388254, – 121.908771); Cast Creek (45.38071, – 121.858383); Clear Creek (45.398769, – 121.855261); Clear Fork (45.402752, – 121.848249); Little Clear Creek (45.379681, – 121.914907); Lost Creek (45.372028, – 121.818608); Minikahda Creek (45.36933, – 121.94042); Sandy River (45.388349, – 121.842458); Short Creek (45.376861, – 121.863405).

(iv) *Middle Sandy River Watershed 1708000104*. Outlet(s) = Sandy River (Lat 45.446429, Long – 122.248369); upstream to endpoint(s) in: Unnamed (45.37949, – 122.03096); Unnamed (45.386346, – 122.036698); Unnamed (45.371975, – 122.039565); Unnamed (45.380525, – 122.033513); Alder Creek (45.376772, – 122.100846); Bear Creek (45.336648, – 121.927798); Cedar Creek (45.404272, – 122.252578); Hackett Creek (45.352288, – 121.951609); North Boulder Creek (45.384502, – 122.014263); Whisky Creek (45.377566, – 122.128088); Wildcat Creek (45.370157, – 122.077485).

(v) *Bull Run River Watershed 1708000105*. Outlet(s) = Bull Run River (Lat 45.445672, – 122.247943); upstream to endpoint(s) in: Bull Run River (45.449500, – 122.1536); Little Sandy River (45.408124, – 122.066052).

(vi) *Washougal River Watershed 1708000106*. Outlet(s) = Washougal River (Lat 45.581011, Long – 122.408885); upstream to endpoint(s) in: Unnamed (45.58717, – 122.413316); Unnamed (45.600016, – 122.332175); Unnamed (45.611824, – 122.242999); Unnamed (45.612809, – 122.324998); Unnamed (45.620381, – 122.345921); Unnamed (45.626874, – 122.34346); Unnamed (45.627736, – 122.256085); Unnamed (45.629474, – 122.247482); Unnamed (45.638035, – 122.292731); Unnamed (45.647483, – 122.367738); Unnamed (45.648358, – 122.334455); Unnamed (45.650547, – 122.157413); Unnamed (45.653255, – 122.275218); Unnamed (45.657929, – 122.220622); Unnamed (45.659093, – 122.207653); Unnamed (45.6692, – 122.156539); Unnamed (45.670112, – 122.34117); Unnamed (45.672008, – 122.173594); Unnamed (45.674178, – 122.299555); Unnamed (45.683465, – 122.334825); Unnamed (45.696755, – 122.315224); Unnamed (45.700417, – 122.32238); Unnamed (45.708896, – 122.266302); Unnamed (45.708947, – 122.252235); Unnamed (45.720695, – 122.249333); Unnamed (45.729294, – 122.195616); Cougar Creek (45.651259, – 122.268846); Dougan Creek (45.67684, – 122.153333); East Fork Little

Washougal River (45.672014, – 122.283888); Jackson Creek (45.675271, – 122.254193); Jones Creek (45.689112, – 122.291063); Lacamas Creek (45.597039, – 122.394477); Texas Creek (45.689165, – 122.187421); Washougal River (45.67269, – 122.153567); West Fork Washougal River (45.733609, – 122.214819); Wildboy Creek (45.671, – 122.218436); Winkler Creek (45.632735, – 122.261321); Hagen Creek (45.706875, – 122.25864); Little Washougal River (45.676574, – 122.342287); Little Washougal River (45.653083, – 122.347546); Winkler Creek (45.631081, – 122.26165).

(vii) *Columbia Gorge Tributaries Watershed 1708000107*. Outlet(s) = Columbia River (Lat 45.573261, Long – 122.397377); upstream to endpoint(s) in: Unnamed (45.548138, – 122.351565); Unnamed (45.588566, – 122.294521); Unnamed (45.590912, – 122.2823); Unnamed (45.593653, – 122.144297); Unnamed (45.596322, – 122.298126); Unnamed (45.602186, – 122.045501); Unnamed (45.603278, – 122.117957); Unnamed (45.60427, – 122.114465); Unnamed (45.604686, – 122.111908); Unnamed (45.608658, – 122.034755); Unnamed (45.618526, – 122.046564); Unnamed (45.627848, – 122.059877); Unnamed (45.644489, – 121.940679); Unnamed (45.648055, – 121.973672); Unnamed (45.648286, – 121.937896); Unnamed (45.651152, – 121.948423); Unnamed (45.663009, – 121.945288); Unnamed (45.668112, – 121.944275); Unnamed (45.705738, – 122.030562); Unnamed (45.706583, – 122.030264); Unnamed (45.712761, – 122.031391); Bridal Veil Creek (45.554125, – 122.180231); Campen Creek (45.588421, – 122.32304); Coopey Creek (45.56249, – 122.165304); Duncan Creek (45.668084, – 122.087311); Gibbons Creek (45.578553, – 122.280402); Greenleaf Creek (45.680477, – 121.961898); Hamilton Creek (45.724649, – 122.025155); Hardy Creek (45.637053, – 122.006906); Horsetail Creek (45.588381, – 122.068121); Indian Mary Creek (45.626983, – 122.08352); Latourell Creek (45.54047, – 122.218884); Lawton Creek (45.57449, – 122.251177); Little Creek (45.644317, – 122.037293); McCord Creek (45.611378, – 121.994145); Moffett Creek (45.618491, – 121.967182); Multnomah Creek (45.575938, – 122.115489); Oneonta Creek (45.582044, – 122.072688); Tanner Creek (45.629297, – 121.954011); Tumalt Creek (45.609963, – 122.029615); Wahkeena Creek (45.573123, – 122.126812); Walton Creek

- (45.575513, – 122.26303); Woodward Creek (45.632266, – 122.044788); Young Creek (45.546713, – 122.198337); Hardy Creek (45.633735, – 121.99603).
- (viii) *Lower Sandy River Watershed 1708000108*. Outlet(s) = Sandy River (Lat 45.574301, Long – 122.380188); upstream to endpoint(s) in: Unnamed (45.553991, – 122.377876); Beaver Creek (45.497368, – 122.360034); Big Creek (45.506685, – 122.297833); Buck Creek (45.497012, – 122.277464); Cat Creek (45.489237, – 122.238503); Gordon Creek (45.502328, – 122.181652); Kelly Creek (45.513162, – 122.396503); Middle Fork Beaver Creek (45.488652, – 122.352533); Sandy River (45.446429, – 122.248369); Trout Creek (45.481334, – 122.27692).
- (ix) *Salmon Creek Watershed 1708000109*. Outlet(s) = Unnamed (Lat 45.608827, Long – 122.628396); Unnamed (45.782133, – 122.770935); Unnamed (45.79137, – 122.779096); Lake River (45.842318, – 122.780058); Unnamed (45.583634, – 122.493678); Unnamed (45.725544, – 122.762187); Unnamed (45.708956, – 122.765945); upstream to endpoint(s) in: Unnamed (45.597056, – 122.48085); Unnamed (45.618497, – 122.625455); Unnamed (45.692522, – 122.750865); Unnamed (45.705359, – 122.654729); Unnamed (45.736541, – 122.738658); Unnamed (45.740616, – 122.457587); Unnamed (45.741057, – 122.541219); Unnamed (45.745405, – 122.701278); Unnamed (45.750243, – 122.641509); Unnamed (45.751664, – 122.635603); Unnamed (45.758152, – 122.697981); Unnamed (45.759293, – 122.753826); Unnamed (45.760094, – 122.420422); Unnamed (45.760678, – 122.510984); Unnamed (45.763086, – 122.392563); Unnamed (45.766128, – 122.402833); Unnamed (45.768661, – 122.410137); Unnamed (45.768856, – 122.458956); Unnamed (45.771241, – 122.481058); Unnamed (45.77272, – 122.42969); Unnamed (45.779683, – 122.608053); Unnamed (45.783976, – 122.432545); Unnamed (45.785031, – 122.709594); Unnamed (45.788669, – 122.739027); Unnamed (45.796251, – 122.438508); Unnamed (45.801421, – 122.517285); Unnamed (45.807105, – 122.454757); Unnamed (45.807885, – 122.425007); Unnamed (45.808519, – 122.754502); Unnamed (45.813822, – 122.449343); Unnamed (45.817459, – 122.771105); Unnamed (45.827212, – 122.764666); Burnt Bridge Creek (45.660818, – 122.511162); Cold Canyon (45.663287, – 122.66699); Cougar Canyon Creek (45.707212, – 122.682567); Curtin Creek (45.684387, – 122.586094); Flume Creek (45.779893, – 122.71596); Lalonde Creek (45.707849, – 122.642314); Little Salmon Creek (45.784979, – 122.421225); Mill Creek (45.77898, – 122.566195); Morgan Creek (45.751434, – 122.446616); Mud Creek (45.731816, – 122.478143); Packard Creek (45.757922, – 122.699539); Rock Creek (45.815043, – 122.456123); Salmon Creek (45.757766, – 122.424507); Weaver Creek (45.793553, – 122.495211); Whipple Creek (45.734817, – 122.657695).
- (3) Lewis Subbasin 17080002—(i) *Upper Lewis River Watershed 1708000201*. Outlet(s) = Lewis River (Lat 46.069463, Long – 122.006838); upstream to endpoint(s) in: Big Creek (46.094659, – 121.913097); Chickoon Creek (46.148528, – 121.878749); Crab Creek (46.141771, – 121.890849); Curly Creek (46.057396, – 121.970510); Cussed Hollow (46.148088, – 121.904757); Lewis River (46.154732, – 121.880642); Little Creek (46.071497, – 121.911930); Pepper Creek (46.076039, – 121.986316); Rush Creek (46.050925, – 121.905817); Spencer Creek (46.143417, – 121.910603).
- (ii) *Muddy River Watershed 1708000202*. Outlet(s) = Muddy River (Lat 46.069463, Long – 122.006838); upstream to endpoint(s) in: Clear Creek (46.210439, – 121.951602); Clearwater Creek (46.208811, – 122.016938); Muddy River (46.180853, – 122.070616); Smith Creek (46.229009, – 122.091210).
- (iii) *Swift Reservoir Watershed 1708000203*. Outlet(s) = Lewis River (46.061988, – 122.192687); upstream to endpoint(s) in: Unnamed (46.067280, – 122.031517); Unnamed (46.030884, – 122.025805); Unnamed (46.021441, – 122.094836); Unnamed (46.076975, – 122.134548); Unnamed (46.096016, – 122.067449); Drift Creek (45.992711, – 122.064320); Lewis River (46.069463, – 122.006838); Marble Creek (46.075248, – 122.138077); Pine Creek (46.123411, – 122.079154); Range Creek (46.028641, – 122.121759); Swift Creek (46.090717, – 122.205248).
- (iv) *Yale Reservoir Watershed 1708000204*. Outlet(s) = Lewis River (Lat 45.966180, Long – 122.334825); upstream to endpoint(s) in: Dog Creek (46.061456, – 122.317143); Cougar Creek (46.071149, – 122.269881); Lewis River (46.061988, – 122.192687); Ole Creek (46.049968, – 122.239259); Panamakier Creek (46.076309, – 122.298414); Rain Creek (46.041972, – 122.204391).
- (v) *East Fork Lewis River Watershed 1708000205*. Outlet(s) = Gee Creek (Lat 45.846474, Long – 122.784009); East Fork Lewis River (45.865974, – 122.720015); upstream to endpoint(s) in: Unnamed (45.780025, – 122.60805); Unnamed (45.794783, – 122.698153); Unnamed (45.801134, – 122.682844); Unnamed (45.804692, – 122.580745); Unnamed (45.807413, – 122.629756); Unnamed (45.814729, – 122.56657); Unnamed (45.816914, – 122.575875); Unnamed (45.822904, – 122.708092); Unnamed (45.823983, – 122.639331); Unnamed (45.828994, – 122.605197); Unnamed (45.835126, – 122.485374); Unnamed (45.836667, – 122.650975); Unnamed (45.837829, – 122.469846); Unnamed (45.846989, – 122.749763); Unnamed (45.847364, – 122.649785); Unnamed (45.848031, – 122.441525); Unnamed (45.849976, – 122.524001); Unnamed (45.853522, – 122.598543); Unnamed (45.855146, – 122.593372); Unnamed (45.859839, – 122.612419); Unnamed (45.861417, – 122.70149); Unnamed (45.866041, – 122.5784); Unnamed (45.866516, – 122.575586); Unnamed (45.867718, – 122.647281); Unnamed (45.869512, – 122.678967); Unnamed (45.872474, – 122.647396); Unnamed (45.875583, – 122.487609); Unnamed (45.881115, – 122.478516); Unnamed (45.905677, – 122.519797); Allen Creek (45.827926, – 122.698134); Basket Creek (45.832585, – 122.459163); Brezee Creek (45.880461, – 122.655871); East Fork Lewis River (45.839345, – 122.447538); Gee Creek (45.791622, – 122.674464); Jenny Creek (45.870366, – 122.700692); Lockwood Creek (45.8722, – 122.612928); Mason Creek (45.865932, – 122.544237); McCormick Creek (45.851953, – 122.691964); Riley Creek (45.872133, – 122.62657); Unnamed Creek (45.843693, – 122.648975).
- (vi) *Lower Lewis River Watershed 1708000206*. Outlet(s) = Lewis River (Lat 45.855546, Long – 122.775762); upstream to endpoint(s) in: Unnamed (45.870633, – 122.756138); Unnamed (45.88666, – 122.723102); Unnamed (45.892632, – 122.422093); Unnamed (45.893766, – 122.438283); Unnamed (45.901311, – 122.727541); Unnamed (45.919994, – 122.535139); Unnamed (45.920149, – 122.456867); Unnamed (45.920747, – 122.693543); Unnamed (45.923838, – 122.424899); Unnamed (45.924295, – 122.37431); Unnamed (45.928026, – 122.689314); Unnamed (45.929363, – 122.504918); Unnamed (45.939172, – 122.41088); Unnamed (45.941429, – 122.704591); Unnamed (45.942762, – 122.671288); Unnamed (45.943605, – 122.620229); Unnamed (45.944513, – 122.644954); Unnamed (45.947599, – 122.643073); Bitter Creek (45.913105, – 122.460482); Brush Creek (45.927783, – 122.468661); Cedar Creek (45.906562, – 122.381815); Chelatchie Creek (45.935564, – 122.379567); Colvin Creek (45.939847, – 122.609332); Houghton Creek (45.951179, – 122.634346); John Creek

(45.943278, – 122.477146); Johnson Creek (45.953443, – 122.61949); Lewis River (45.966180, – 122.334825); North Fork Chelatchie Creek (45.945494, – 122.393811); Pup Creek (45.948425, – 122.525655); Robinson Creek (45.936812, – 122.725723); Ross Creek (45.94883, – 122.703391); Staples Creek (45.942126, – 122.667681).

(4) Lower Columbia-Clatskanie Subbasin 17080003—(i) *Kalama River Watershed 1708000301*. Outlet(s) = Burris Creek (Lat 45.892513, Long – 122.790279); Bybee Creek (45.966376, – 122.816532); Kalama River (46.03393, – 122.870595); Mill Creek (45.95816, – 122.803634); Schoolhouse Creek (45.978378, – 122.829247); Unnamed (45.999928, – 122.848159); upstream to endpoint(s) in: Unnamed (45.903312, – 122.780386); Unnamed (45.934119, – 122.781977); Unnamed (45.977147, – 122.825526); Unnamed (45.993614, – 122.813527); Unnamed (46.043843, – 122.856105); Burke Creek (45.94516, – 122.775084); Burke Slough (45.924545, – 122.797017); Burris Creek (45.932376, – 122.743342); Bybee Creek (45.969366, – 122.814717); Cedar Creek (46.03313, – 122.812264); Hatchery Creek (46.049047, – 122.801448); Indian Creek (46.049668, – 122.752333); Indian Creek (46.0452, – 122.752907); Kalama River (46.025868, – 122.739474); Mill Creek (45.961948, – 122.795944); Schoolhouse Creek (45.981238, – 122.825927); Spencer Creek (46.025203, – 122.829696).

(ii) *Beaver Creek/Columbia River Watershed 1708000302*. Outlet(s) = Beaver Slough (Lat 46.121253, Long – 123.22089); Fox Creek (46.092512, – 122.938467); Goble Creek (46.020615, – 122.876532); Green Creek (46.166661, – 123.099119); Tide Creek (45.994307, – 122.866712); upstream to endpoint(s) in: Unnamed (45.914995, – 122.870367); Unnamed (45.985132, – 122.928842); Unnamed (46.0165, – 122.963794); Unnamed (46.019529, – 122.944997); Unnamed (45.919698, – 122.809782); Beaver Creek (46.104384, – 123.124089); Fox Creek (46.069709, – 122.937725); Goble Creek (46.006921, – 122.989536); Green Creek (46.143721, – 123.074477); McBride Creek (45.889718, – 122.827703); Merrill Creek (45.908708, – 122.887674); North Fork Stewart Creek (46.134963, – 123.142788); South Fork Goble Creek (45.967146, – 122.912205); Stewart Creek (46.121924, – 123.134473); Tide Creek (45.998871, – 123.005909).

(iii) *Clatskanie River Watershed 1708000303*. Outlet(s) = Beaver Slough (Lat 46.139926, Long – 123.230807); upstream to endpoint(s) in: Unnamed (45.871279, – 123.016852); Unnamed

(46.057, – 123.256303); Unnamed (46.095794, – 123.22606); Beaver Slough (46.121253, – 123.22089); Carous Creek (45.988589, – 123.087952); Clatskanie River (45.878919, – 122.9959); Conyers Creek (46.056042, – 123.241614); Dribble Creek (45.902229, – 123.009241); Fall Creek (46.10887, – 123.212892); Keystone Creek (46.075658, – 123.145555); Little Clatskanie River (45.914012, – 122.995923); Merrill Creek (46.081981, – 123.187026); Miller Creek (46.043933, – 123.146664); North Fork Clatskanie River (46.028796, – 123.052308); Page Creek (46.04337, – 123.126689); Perkins Creek (46.045692, – 123.202675).

(iv) *Germany/Abernathy Watershed 1708000304*. Outlet(s) = Abernathy Creek (46.190946, – 123.16764); Coal Creek Slough (46.189618, – 123.116548); Germany Creek (46.190472, – 123.124221); Mill Creek (Lat 46.188644, Long – 123.175717); upstream to endpoint(s) in: Unnamed (46.174387, – 123.284405); Unnamed (46.177806, – 123.244713); Unnamed (46.179048, – 123.28534); Unnamed (46.179783, – 123.014957); Unnamed (46.199235, – 123.017367); Unnamed (46.209772, – 123.250435); Unnamed (46.210569, – 123.02174); Unnamed (46.2212, – 123.233862); Unnamed (46.230005, – 123.243579); Unnamed (46.23735, – 123.217724); Unnamed (46.257704, – 123.211771); Unnamed (46.260394, – 123.156937); Unnamed (46.282123, – 123.215419); Unnamed (46.28956, – 123.229955); Unnamed (46.302937, – 123.18012); Unnamed (46.30502, – 123.175317); Unnamed (46.313744, – 123.186815); Unnamed (46.315329, – 123.111068); Unnamed (46.318441, – 123.123571); Unnamed (46.329631, – 123.132487); Abernathy Creek (46.298183, – 123.20799); Cameron Creek (46.266183, – 123.196747); Coal Creek (46.214039, – 123.020114); Erick Creek (46.283486, – 123.165659); Germany Creek (46.323938, – 123.150029); Harmony Creek (46.191588, – 123.045625); Hunter Creek (46.200371, – 123.277768); Midway Creek (46.280132, – 123.179387); North Fork Mill Creek (46.237142, – 123.227829); Ordway Creek (46.312588, – 123.1944); Slide Creek (46.251167, – 123.180153); South Fork Mill Creek (46.184454, – 123.282779); Spruce Creek (46.19379, – 123.270758); Wiest Creek (46.27626, – 123.159368).

(v) *Skamokawa/Elochoman Watershed 1708000305*. Outlet(s) = Birnie Creek (Lat 46.200249, Long – 123.388149); Elochoman River (46.22667, – 123.400822); Jim Crow Creek (46.266028, – 123.552297);

Skamokawa Creek (46.268566, – 123.45637); upstream to endpoint(s) in: Unnamed (46.225162, – 123.303945); Unnamed (46.242407, – 123.369715); Unnamed (46.264248, – 123.311602); Unnamed (46.268968, – 123.328113); Unnamed (46.27795, – 123.384622); Unnamed (46.281109, – 123.369818); Unnamed (46.294907, – 123.320218); Unnamed (46.299508, – 123.553063); Unnamed (46.30403, – 123.499255); Unnamed (46.30564, – 123.54826); Unnamed (46.320411, – 123.244937); Unnamed (46.320842, – 123.35815); Unnamed (46.325433, – 123.281587); Unnamed (46.328108, – 123.296011); Unnamed (46.33764, – 123.44219); Unnamed (46.337892, – 123.462614); Unnamed (46.34415, – 123.256674); Unnamed (46.347782, – 123.392349); Unnamed (46.349787, – 123.211987); Unnamed (46.351596, – 123.313042); Unnamed (46.35173, – 123.19359); Unnamed (46.360802, – 123.261039); Unnamed (46.364365, – 123.276383); Unnamed (46.368463, – 123.242642); Unnamed (46.377205, – 123.262108); Unnamed (46.382024, – 123.242299); Unnamed (46.386679, – 123.223722); Unnamed (46.303663, – 123.365059); Unnamed (46.311328, – 123.478976); Unnamed (46.306534, – 123.546046); Beaver Creek (46.216566, – 123.297152); Bell Canyon Creek (46.288173, – 123.405772); Birnie Creek (46.204016, – 123.384532); Cadman Creek (46.302299, – 123.508597); Clear Creek (46.260761, – 123.300874); Duck Creek (46.265653, – 123.337856); East Fork Elochoman River (46.378345, – 123.193512); Falk Creek (46.321532, – 123.381397); Fink Creek (46.276734, – 123.570228); Jim Crow Creek (46.312074, – 123.539923); Kelly Creek (46.32257, – 123.48111); Left Fork Skamokawa Creek (46.339453, – 123.470344); Longtain Creek (46.25861, – 123.369188); McDonald Creek (46.346651, – 123.382328); Nelson Creek (46.257717, – 123.35252); North Fork Elochoman River (46.375393, – 123.284959); Otter Creek (46.388034, – 123.217495); Pollard Creek (46.307613, – 123.412558); Quarry Creek (46.337806, – 123.42712); Risk Creek (46.25136, – 123.399855); Rock Creek (46.277795, – 123.275871); Standard Creek (46.333628, – 123.357041); West Fork Elochoman River (46.351711, – 123.329823); West Fork Skamokawa Creek (46.327805, – 123.498954); West Valley Creek (46.291358, – 123.51591); Wilson Creek (46.31583, – 123.328008); Unnamed Creek (46.306534, – 123.546046); Unnamed Creek (46.311328, – 123.478976); Unnamed Creek

(46.386679, – 123.223722); Unnamed Creek (46.303663, – 123.365059).

(vi) *Plympton Creek Watershed 1708000306*. Outlet(s) = Hunt Creek (Lat 46.202277, Long – 123.445724); Westport Slough (46.143868, – 123.383472); upstream to endpoint(s) in: Eilertsen Creek (46.099706, – 123.328684); Graham Creek (46.09157, – 123.277339); Hunt Creek (46.120882, – 123.428478); Ok Creek (46.099703, – 123.321777); Olsen Creek (46.101357, – 123.360299); Plympton Creek (46.127423, – 123.391111); Ross Creek (46.108505, – 123.368667); Tandy Creek (46.102255, – 123.293854); West Creek (46.121298, – 123.373425); Westport Slough (46.124151, – 123.245135).

(5) Upper Cowlitz Subbasin 17080004—(i) *Headwaters Cowlitz River Watershed 1708000401*. Outlet(s) = Cowlitz River (Lat 46.657731, Long – 121.604374); upstream to endpoint(s) in: Unnamed (46.675388, – 121.580086); Clear Fork Cowlitz River (46.684326, – 121.568004); Muddy Fork Cowlitz River (46.696095, – 121.617841); Ohanapecosh River (46.68812, – 121.582120); Purcell Creek (46.671171, – 121.587667).

(ii) *Upper Cowlitz River Watershed 1708000402*. Outlet(s) = Cowlitz River (46.576161, – 121.706256); Johnson Creek (Lat 46.575836, Long – 121.705564); upstream to endpoint(s) in: Unnamed (46.62375, – 121.671832); Unnamed (46.641142, – 121.654691); Unnamed (46.654671, – 121.631508); Unnamed (46.692847, – 121.803752); Butter Creek (46.646075, – 121.675424); Coal Creek (46.643541, – 121.611604); Cowlitz River (46.657731, – 121.604374); Hall Creek (46.60701, – 121.662269); Hinkle Tinkle Creek (46.651852, – 121.63912); Johnson Creek (46.555366, – 121.639734); Lake Creek (46.623804, – 121.61673); Skate Creek (46.684892, – 121.806283).

(iii) *Cowlitz Valley Frontal Watershed 1708000403*. Outlet(s) = Cowlitz River (Lat 46.476278, Long – 122.096306); upstream to endpoint(s) in: Unnamed (46.489922, – 122.083268); Unnamed (46.518735, – 121.858756); Burton Creek (46.541954, – 121.750428); Cowlitz River (46.576161, – 121.706256); Cunningham Creek (46.512691, – 121.844636); Davis Creek (46.527807, – 121.827406); Dry Creek (46.560084, – 121.705732); Garrett Creek (46.523043, – 121.773614); Hampton Creek (46.537971, – 121.939923); Hopkin Creek (46.53512, – 121.841854); Johnson Creek (Lat 46.575836, Long – 121.705564); Kilborn Creek (46.507622, – 121.801739); Kiona Creek (46.564304, – 122.049702); Miller Creek (46.539348, – 121.960377); Oliver

Creek (46.543328, – 121.993492); Peters Creek (46.538087, – 121.983762); Schooley Creek (46.500722, – 121.964414); Sethe Creek (46.534578, – 121.867518); Siler Creek (46.492992, – 121.911187); Silver Creek (46.55632, – 121.91673); Smith Creek (46.561932, – 121.693911); Surrey Creek (46.543475, – 121.888707); Willame Creek (46.580526, – 121.733077).

(iv) *Upper Cispus River Watershed 1708000404*. Outlet(s) = Cispus River (Lat 46.443752, Long – 121.798269); upstream to endpoint(s) in: Cispus River (46.344891, – 121.68424); East Canyon Creek (46.347337, – 121.703867); North Fork Cispus River (46.435538, – 121.657768); Twin Creek (46.374273, – 121.729578).

(v) *Lower Cispus River Watershed 1708000405*. Outlet(s) = Cispus River (Lat 46.476761, Long – 122.095709); upstream to endpoint(s) in: Unnamed (46.430554, – 121.825682); Unnamed (46.455387, – 121.954511); Unnamed (46.465418, – 121.958732); Unnamed (46.452951, – 122.046625); Ames Creek (46.466423, – 121.918257); Camp Creek (46.449033, – 121.832281); Cispus River (Lat 46.443752, Long – 121.798269); Copper Canyon Creek (46.467296, – 122.082101); Covell Creek (46.431961, – 121.851825); Crystal Creek (46.445224, – 122.024601); Dry Creek (46.452466, – 121.852225); Greenhorn Creek (46.421576, – 121.905397); Iron Creek (46.38938, – 121.971317); McCoy Creek (46.389343, – 121.822002); Quartz Creek (46.42561, – 122.053071); Woods Creek (46.475527, – 121.949635); Yellowjacket Creek (46.386924, – 121.834674).

(6) Cowlitz Subbasin 17080005—(i) *Tilton River Watershed 1708000501*. Outlet(s) = Tilton River (Lat 46.543356, Long – 122.533164); upstream to endpoint(s) in: Unnamed (46.588777, – 122.17989); Unnamed (46.608368, – 122.314024); Unnamed (46.595355, – 122.27852); Coal Creek (46.573383, – 122.243464); Connelly Creek (46.603783, – 122.316111); Coon Creek (46.615117, – 122.275972); Eagle Creek (46.653164, – 122.259058); East Fork Tilton River (46.594049, – 122.170519); Jesse Creek (46.644485, – 122.414873); Johnson Creek (46.531381, – 122.237744); Little Creek (46.666231, – 122.404381); Minnie Creek (46.539791, – 122.234089); Nineteen Creek (46.599433, – 122.22251); Otter Creek (46.620348, – 122.409391); Rockies Creek (46.642452, – 122.399153); Snow Creek (46.620326, – 122.266924); South Fork Tilton River (46.564501, – 122.161837); Tilton River (46.624549, – 122.215133); Trout Creek (46.65834, – 122.25936); Wallanding Creek (46.621001, – 122.372088); West

Fork Tilton River (46.658406, – 122.308887); Winnie Creek (46.654766, – 122.420066).

(ii) *Riffe Reservoir Watershed 1708000502*. Outlet(s) = Cowlitz River (Lat 46.5031, Long – 122.588332); upstream to endpoint(s) in: Cowlitz River (46.476278, – 122.096306); Winston Creek (46.459003, – 122.370859).

(iii) *Jackson Prairie Watershed 1708000503*. Outlet(s) = Cowlitz River (Lat 46.367511, Long – 122.934945); upstream to endpoint(s) in: Unnamed (46.383522, – 122.679974); Unnamed (46.383941, – 122.725937); Unnamed (46.385081, – 122.705907); Unnamed (46.387856, – 122.695831); Unnamed (46.39224, – 122.75946); Unnamed (46.399666, – 122.898638); Unnamed (46.400754, – 122.733303); Unnamed (46.409488, – 122.589866); Unnamed (46.410097, – 122.680278); Unnamed (46.410422, – 122.708726); Unnamed (46.411433, – 122.756574); Unnamed (46.413363, – 122.783988); Unnamed (46.417067, – 122.637699); Unnamed (46.424466, – 122.818117); Unnamed (46.427206, – 122.613403); Unnamed (46.428381, – 122.643499); Unnamed (46.429253, – 122.83625); Unnamed (46.431112, – 122.808741); Unnamed (46.440469, – 122.519079); Unnamed (46.445258, – 122.867273); Unnamed (46.449715, – 122.529087); Unnamed (46.450991, – 122.871663); Unnamed (46.472774, – 122.686245); Unnamed (46.488493, – 122.807753); Unnamed (46.517532, – 122.654378); Unnamed (46.5309, – 122.820885); Unnamed (46.533357, – 122.758003); Unnamed (46.542935, – 122.748007); Unnamed (46.464970, – 122.610288); Unnamed (46.448115, – 122.654992); Unnamed (46.442894, – 122.667057); Unnamed (46.442944, – 122.700366); Unnamed (46.465822, – 122.580513); Unnamed (46.449279, – 122.605026); Bear Creek (46.463967, – 122.913037); Blue Creek (46.488339, – 122.726491); Brights Creek (46.496407, – 122.605179); Cedar Creek (46.482264, – 122.580944); Coon Creek (46.445182, – 122.895851); Cougar Creek (46.393389, – 122.795962); Cowlitz River (46.5031, – 122.588332); Foster Creek (46.40711, – 122.890926); Hopkey Creek (46.459049, – 122.554437); Jones Creek (46.518881, – 122.675281); Lacamas Creek (46.556204, – 122.688969); Little Salmon Creek (46.439872, – 122.747395); Mill Creek (46.517371, – 122.622126); Mill Creek (46.502438, – 122.803167); North Fork Cedar Creek (46.462224, – 122.673900); Otter Creek (46.479854, – 122.700841); Pin Creek (46.411782, – 122.832479); Rapid Creek (46.432098, – 122.547553); Skook Creek

- (46.474731, -122.757751); Unnamed Creek (46.515124, -122.681226).
- (iv) *North Fork Toutle River Watershed 1708000504*. Outlet(s) = North Fork Toutle River (Lat 46.371819, Long -122.585848); upstream to endpoint(s) in: Unnamed (46.292893, -122.508359); Unnamed (46.294391, -122.526416); Unnamed (46.317597, -122.321791); Unnamed (46.321385, -122.488684); Unnamed (46.331761, -122.316562); Bear Creek (46.309744, -122.430749); Hoffstadt Creek (46.319718, -122.325454).
- (v) *Green River Watershed 1708000505*. Outlet(s) = North Fork Toutle River (Lat 46.366681, Long -122.587092); upstream to endpoint(s) in: Unnamed (46.332935, -122.298073); Unnamed (46.33485, -122.279213); Unnamed (46.355641, -122.205783); Unnamed (46.359811, -122.326801); Unnamed (46.373265, -122.389499); Unnamed (46.38427, -122.434721); Unnamed (46.387374, -122.488301); Unnamed (46.402102, -122.555537); Unnamed (46.40583, -122.542922); Unnamed (46.408718, -122.507384); Unnamed (46.410468, -122.431267); Unnamed (46.412392, -122.451557); Unnamed (46.416538, -122.283286); Unnamed (46.42, -122.292272); Unnamed (46.422599, -122.304017); Unnamed (46.428205, -122.267496); Beaver Creek (46.405735, -122.568826); Cascade Creek (46.417916, -122.331675); Devils Creek (46.401481, -122.409722); Elk Creek (46.41719, -122.250256); Green River (46.394118, -122.205161); Jim Creek (46.388361, -122.526853); Miners Creek (46.349143, -122.194242); Shultz Creek (46.344058, -122.275039); Tradedollar Creek (46.376142, -122.23987).
- (vi) *South Fork Toutle River Watershed 1708000506*. Outlet(s) = Toutle River (Lat 46.329223, Long -122.725131); upstream to endpoint(s) in: Unnamed (46.185704, -122.299471); Unnamed (46.186193, -122.40715); Unnamed (46.188524, -122.445753); Unnamed (46.199665, -122.471338); Unnamed (46.201636, -122.296552); Unnamed (46.206594, -122.331284); Unnamed (46.21036, -122.431482); Unnamed (46.21081, -122.427763); Unnamed (46.210915, -122.428229); Unnamed (46.211429, -122.279573); Unnamed (46.215533, -122.347972); Unnamed (46.223287, -122.327701); Unnamed (46.223773, -122.524201); Unnamed (46.226916, -122.337898); Unnamed (46.227233, -122.373391); Unnamed (46.238958, -122.490827); Unnamed (46.243346, -122.38038); Unnamed (46.245202, -122.629903); Unnamed (46.258398, -122.534433); Unnamed (46.260587, -122.550523); Unnamed (46.261618, -122.571707); Unnamed (46.268347, -122.577391); Unnamed (46.287125, -122.685581); Unnamed (46.292576, -122.659948); Unnamed (46.295532, -122.596926); Unnamed (46.296678, -122.585207); Unnamed (46.297388, -122.614534); Unnamed (46.310391, -122.606122); Unnamed (46.311754, -122.626346); Unnamed (46.312178, -122.704274); Unnamed (46.321553, -122.649148); Bear Creek (46.187484, -122.431406); Big Wolf Creek (46.225469, -122.567295); Brownell Creek (46.280407, -122.649708); Disappointment Creek (46.213614, -122.309153); Eighteen Creek (46.244881, -122.600184); Harrington Creek (46.247692, -122.419362); Johnson Creek (46.306181, -122.579585); Sheep Canyon (46.206343, -122.268258); South Fork Toutle River (46.209387, -122.263037); Studebaker Creek (46.28238, -122.681733); Thirteen Creek (46.237634, -122.624229); Trouble Creek (46.182362, -122.387761); Twenty Creek (46.232994, -122.5836); North Fork Toutle River (46.328728, -122.722386); Whitten Creek (46.203701, -122.502013).
- (vii) *East Willapa Watershed 1708000507*. Outlet(s) = Cowlitz River (46.265795, -122.915793); upstream to endpoint(s) in: Unnamed (46.241179, -122.990022); Unnamed (46.247733, -123.018044); Unnamed (46.247998, -122.777916); Unnamed (46.260464, -122.956364); Unnamed (46.263008, -123.020122); Unnamed (46.263983, -122.930316); Unnamed (46.266093, -122.981616); Unnamed (46.27194, -122.770063); Unnamed (46.281159, -122.760238); Unnamed (46.287658, -122.906283); Unnamed (46.289048, -122.963514); Unnamed (46.302765, -123.0657); Unnamed (46.307415, -122.93938); Unnamed (46.313054, -122.816361); Unnamed (46.314382, -122.943084); Unnamed (46.314535, -123.010247); Unnamed (46.315942, -122.865345); Unnamed (46.317235, -122.896545); Unnamed (46.319898, -122.814207); Unnamed (46.320644, -122.892218); Unnamed (46.322067, -122.814053); Unnamed (46.32332, -122.859461); Unnamed (46.323446, -122.886965); Unnamed (46.326968, -123.025803); Unnamed (46.328758, -122.817082); Unnamed (46.329235, -122.909613); Unnamed (46.334118, -122.817188); Unnamed (46.334241, -123.017807); Unnamed (46.336993, -122.893299); Unnamed (46.337756, -122.611236); Unnamed (46.337802, -122.940117); Unnamed (46.339026, -122.940678); Unnamed (46.343885, -122.762274); Unnamed (46.34681, -122.946071); Unnamed (46.348905, -122.769029); Unnamed (46.349667, -123.053432); Unnamed (46.350564, -122.799855); Unnamed (46.358221, -123.038147); Unnamed (46.358277, -122.791338); Unnamed (46.3604, -122.696281); Unnamed (46.360599, -122.736153); Unnamed (46.36403, -123.005163); Unnamed (46.36632, -122.634646); Unnamed (46.366869, -122.89658); Unnamed (46.368123, -122.894117); Unnamed (46.374172, -122.622494); Unnamed (46.375592, -123.099965); Unnamed (46.380427, -122.610242); Unnamed (46.38163, -122.883768); Unnamed (46.38939, -123.065756); Unnamed (46.394019, -122.98067); Unnamed (46.401297, -123.028366); Unnamed (46.41997, -123.040973); Unnamed (46.428911, -123.047482); Unnamed (46.43562, -123.045801); Unnamed (46.437797, -122.999776); Unnamed (46.460336, -123.01792); Unnamed (46.472152, -122.999706); Unnamed (46.508924, -122.885928); Unnamed (46.522845, -122.854611); Unnamed (46.534744, -122.980706); Unnamed (46.537092, -122.823206); Unnamed (46.543646, -122.855197); Arkansas Creek (46.334118, -123.054814); Baxter Creek (46.335963, -122.985106); Becker Creek (46.366541, -123.077711); Brim Creek (46.444408, -123.040408); Campbell Creek (46.345799, -123.069223); Cline Creek (46.339582, -122.856216); Cowlitz River (46.367511, -122.934945); Cowlitz River (46.280749, -122.908759); Cowlitz River (46.270301, -122.918872); Curtis Creek (46.479675, -122.978296); Delameter Creek (46.27323, -123.020718); Duffy Creek (46.436886, -122.972934); Ferrier Creek (46.469037, -122.92969); Hemlock Creek (46.258298, -122.728132); Hill Creek (46.385982, -122.887561); King Creek (46.528608, -123.017282); Monahan Creek (46.304091, -123.062738); North Fork Brim Creek (46.461931, -123.022977); North Fork Toutle River (46.366681, -122.587092); Olequa Creek (46.522827, -122.88994); Owens Creek (46.39917, -123.045965); Rock Creek (46.347737, -122.815672); Rock Creek (46.36466, -122.979025); Snow Creek (46.448627, -122.9822); Stankey Creek (46.325726, -122.827854); Stillwater Creek (46.376492, -123.114458); Sucker Creek (46.257038, -122.763973); Toutle River (46.329223, -122.725131); Tucker Creek (46.256345, -123.017401); Whittle Creek (46.313257, -122.951576); Unnamed Creek (46.365968, -123.078372); Unnamed Creek (46.366574, -122.6278); Unnamed



Creek (46.322752, - 122.727564); Unnamed Creek (46.358525, - 122.749069); Wyant Creek (46.348562, - 122.655808).

(viii) *Coweeman Watershed 1708000508*. Outlet(s) = Cowlitz River (Lat 46.09677, Long - 122.917179); Owl Creek (46.076672, - 122.869072); upstream to endpoint(s) in: Unnamed (46.07177, - 122.861942); Unnamed (46.080968, - 122.726324); Unnamed (46.082482, - 122.722033); Unnamed (46.08384, - 122.719656); Unnamed (46.103901, - 122.735682); Unnamed (46.11823, - 122.725869); Unnamed (46.128746, - 122.897993); Unnamed (46.133211, - 122.702488); Unnamed (46.134412, - 122.877742); Unnamed (46.134559, - 122.874501); Unnamed (46.137294, - 122.570127); Unnamed (46.140549, - 122.616015); Unnamed (46.142157, - 122.858404); Unnamed (46.142862, - 122.813885); Unnamed (46.143869, - 122.609969); Unnamed (46.147673, - 122.866141); Unnamed (46.151541, - 122.875978); Unnamed (46.157716, - 122.6488); Unnamed (46.162608, - 122.527406); Unnamed (46.164373, - 122.573871); Unnamed (46.16697, - 122.62965); Unnamed (46.169603, - 122.912787); Unnamed (46.173346, - 122.82947); Unnamed (46.174933, - 122.844098); Unnamed (46.175151, - 122.934081); Unnamed (46.175276, - 122.532665); Unnamed (46.175583, - 122.668586); Unnamed (46.180534, - 122.898644); Unnamed (46.181396, - 122.766774); Unnamed (46.183838, - 122.820311); Unnamed (46.188804, - 122.78364); Unnamed (46.193597, - 122.911471); Unnamed (46.196887, - 122.713022); Unnamed (46.20058, - 122.827779); Unnamed (46.201892, - 122.695345); Unnamed (46.202726, - 122.560647); Unnamed (46.213243, - 122.666442); Unnamed (46.217243, - 122.951394); Unnamed (46.219673, - 122.838549); Unnamed (46.220679, - 122.889953); Unnamed (46.223168, - 122.968869); Unnamed (46.226103, - 122.771549); Unnamed (46.226208, - 122.803239); Unnamed (46.237678, - 122.887353); Unnamed (46.242901, - 122.885918); Baird Creek (46.194037, - 122.549476); Brown Creek (46.138569, - 122.581603); Butler Creek (46.148896, - 122.518149); Coweeman River (46.150297, - 122.51847); Cowlitz River (46.265795, - 122.915793); Goble Creek (46.109525, - 122.68388); Hill Creek (46.178271, - 122.600223); Jim Watson Creek (46.177642, - 122.74165); Leckler Creek (46.231526, - 122.948175); Little Baird Creek (46.190281, - 122.572141); Mulholland Creek (46.201136, - 122.646167); Nineteen Creek (46.140604, - 122.623774); North Fork

Goble Creek (46.136853, - 122.680068); Nye Creek (46.121737, - 122.805205); Ostrander Creek (46.210956, - 122.764306); Owl Creek (46.091102, - 122.865692); Owl Creek (46.076526, - 122.861672); Salmon Creek (46.254572, - 122.885114); Sam Smith Creek (46.165941, - 122.725633); Sandy Bend Creek (46.231734, - 122.915112); Skipper Creek (46.169104, - 122.577264); South Fork Ostrander Creek (46.184505, - 122.826132); Turner Creek (46.116534, - 122.816196).

(7) Lower Columbia Subbasin 17080006—(i) *Youngs River Watershed 1708000601*. Outlet(s) = Lewis and Clark River (Lat 46.157276, Long - 123.8567); Adair Slough (46.164573, - 123.890158); Youngs River (46.168659, - 123.838128); Skipanon Waterway (46.183693, - 123.907231); Alder Creek (46.183694, - 123.923138); upstream to endpoint(s) in: Unnamed (45.961144, - 123.760693); Unnamed (45.975677, - 123.784472); Unnamed (45.987168, - 123.864135); Unnamed (46.075646, - 123.74625); Unnamed (46.074307, - 123.722161); Unnamed (46.081494, - 123.687949); Unnamed (46.098839, - 123.782036); Unnamed (46.101257, - 123.777885); Unnamed (46.101582, - 123.791448); Unnamed (46.104561, - 123.790689); Unnamed (46.105278, - 123.778981); Unnamed (46.115179, - 123.862193); Unnamed (46.11823, - 123.798015); Unnamed (46.125146, - 123.900778); Unnamed (46.133731, - 123.821982); Unnamed (46.155148, - 123.772037); Unnamed (46.163155, - 123.798112); Unnamed (45.956438, - 123.752083); Unnamed (45.992690, - 123.779916); Unnamed (46.079767, - 123.848993); Unnamed (46.081156, - 123.752043); Unnamed (46.098781, - 123.713321); Unnamed (46.11386, - 123.748487); Abercrombie Creek (46.087084, - 123.88937); Adair Slough (46.153356, - 123.897783); Alder Creek (46.171207, - 123.933132); Barrett Slough (46.12204, - 123.85348); Binder Creek (46.142527, - 123.821985); Binder Slough (46.121358, - 123.819543); Brown Creek (46.172014, - 123.806343); Casey Slough (46.115066, - 123.815982); Cullaby Slough (46.022576, - 123.880488); Green Slough (46.124806, - 123.869053); Heckard Creek (46.057636, - 123.87837); Hortill Creek (46.056683, - 123.839636); Jeffers Slough (46.14965, - 123.85163); Johnson Slough (46.071237, - 123.882259); Klickit Creek (46.049861, - 123.842997); Lewis and Clark River (45.953527, - 123.731398); Little Wallooskee River (46.140199, - 123.737638); Loowit Creek

(46.022396, - 123.832364); Middle Fork North Fork Klaskanine River (46.061237, - 123.638614); Moosmoos Creek (46.074807, - 123.777539); North Fork Klaskanine River (46.048838, - 123.636273); North Fork North Fork Klaskanine River (46.097739, - 123.674883); Peterson Slough (46.10793, - 123.85242); Shweeash Creek (46.019839, - 123.839507); South Fork Klaskanine River (46.048461, - 123.713622); South Fork Lewis and Clark River (45.981399, - 123.841473); Speelyai Creek (46.032437, - 123.83321); Stowebolt Creek (46.060439, - 123.825132); Tucker Creek (46.075512, - 123.824939); Wallooskee River (46.104416, - 123.699695); Youngs River (46.06718, - 123.789692).

(ii) *Big Creek Watershed 1708000602*. Outlet(s) = Hillcrest Creek (Lat 46.171377, Long - 123.655493); Bear Creek (46.1716, - 123.665605); Marys Creek (46.173116, - 123.668452); Fertile Valley Creek (46.188744, - 123.588332); Blind Slough (46.20114, - 123.584906); Big Creek (46.184561, - 123.596303); John Day River (46.181573, - 123.7404); Little Ferris Creek (46.158288, - 123.629531); Mill Creek (46.19298, - 123.759637); upstream to endpoint(s) in: Unnamed (46.067847, - 123.49896); Unnamed (46.155656, - 123.731589); Unnamed (46.176667, - 123.477624); Unnamed (46.180584, - 123.796858); Unnamed (46.199516, - 123.501455); Unnamed (46.211835, - 123.534242); Unnamed (46.213817, - 123.557667); Unnamed (46.219749, - 123.496059); Unnamed (46.183645, - 123.484347); Bear Creek (46.122269, - 123.636516); Big Creek (46.068744, - 123.477937); Big Noise Creek (46.160378, - 123.50188); Blind Slough (46.230154, - 123.5256); Coon Creek (46.072977, - 123.551698); Davis Creek (46.193487, - 123.48968); Elk Creek (46.057446, - 123.531954); Fertile Valley Creek (46.180229, - 123.574191); McNary Creek (46.131584, - 123.45871); Grizzly Slough (46.209179, - 123.551962); Hillcrest Creek (46.155615, - 123.633555); John Day River (46.151824, - 123.718295); Gnat Creek (46.134382, - 123.492375); Little Bear Creek (46.11197, - 123.661934); Little Creek (46.138483, - 123.606302); Marys Creek (46.136519, - 123.685932); Mill Creek (46.143237, - 123.582679); Mud Creek (46.089977, - 123.55188); Pigpen Creek (46.102416, - 123.559042); Saspal Slough (46.213023, - 123.5376); Supply Creek (46.163644, - 123.538404).

(iii) *Grays Bay Watershed 1708000603*. Outlet(s) = Unnamed (Lat 46.242128, Long - 123.884815); Unnamed (46.242369, - 123.889547); Unnamed (46.246062, - 123.909891);

Unnamed (46.249228, - 123.863946); Unnamed (46.259183, - 123.852059); Unnamed (46.260409, - 123.850081); Unnamed (46.261711, - 123.842086); Unnamed (46.269817, - 123.830183); Crooked Creek (46.296355, - 123.677056); Sisson Creek (46.301761, - 123.72555); Chinook River (46.303571, - 123.968574); Grays River (46.306824, - 123.685025); Deep River (46.310771, - 123.714286); Wallacut River (46.315209, - 124.020283); upstream to endpoint(s) in: Unnamed (46.252832, - 123.906587); Unnamed (46.255601, - 123.883337); Unnamed (46.257057, - 123.892766); Unnamed (46.261834, - 123.877718); Unnamed (46.26971, - 123.872478); Unnamed (46.272099, - 123.863261); Unnamed (46.272788, - 123.855154); Unnamed (46.273099, - 123.847441); Unnamed (46.273923, - 123.833921); Unnamed (46.27462, - 123.841297); Unnamed (46.282558, - 123.76132); Unnamed (46.289926, - 123.938085); Unnamed (46.296119, - 123.751262); Unnamed (46.305607, - 123.945919); Unnamed (46.320823, - 123.638104); Unnamed (46.32306, - 123.674913); Unnamed (46.349054, - 123.563997); Unnamed (46.362133, - 123.397387); Unnamed (46.367197, - 123.661101); Unnamed (46.370018, - 123.661652); Unnamed (46.383643, - 123.54663); Unnamed (46.3861, - 123.399009); Unnamed (46.389563, - 123.443531); Unnamed (46.398896, - 123.603127); Unnamed (46.409223, - 123.563384); Unnamed (46.40988, - 123.591182); Unnamed (46.414991, - 123.598881); Unnamed (46.419132, - 123.377411); Unnamed (46.4231, - 123.465561); Unnamed (46.427724, - 123.449351); Unnamed (46.428912, - 123.389161); Unnamed (46.429717, - 123.393596); Unnamed (46.429964, - 123.55265); Unnamed (46.432969, - 123.434984); Unnamed (46.435352, - 123.530908); Unnamed (46.440181, - 123.389495); Unnamed (46.440236, - 123.539966); Unnamed (46.445599, - 123.389398); Unnamed (46.453434, - 123.501054); Unnamed (46.466604, - 123.486435); Unnamed (46.472739, - 123.394404); Unnamed (46.478038, - 123.431439); Beaver Creek (46.401593, - 123.550548); Blaney Creek (46.403572, - 123.442837); Cabin Creek (46.44222, - 123.485741); Campbell Creek (46.358257, - 123.709343); Chinook River (46.274479, - 123.902553); Crooked Creek (46.313288, - 123.59644); Deep River (46.354054, - 123.688621); East Fork Grays River (46.42414, - 123.36983); Empi Creek (46.31383, - 123.638514); Fossil Creek (46.354523, - 123.484306); Grays River (46.491024, - 123.4354); Hendrickson

Canyon (46.373524, - 123.664774); Hendrickson Creek (46.361368, - 123.655366); Honey Creek (46.375646, - 123.603913); Hull Creek (46.405494, - 123.57846); Impie Creek (46.318309, - 123.617177); Johnson Creek (46.463847, - 123.502087); Kessel Creek (46.33321, - 123.586047); King Creek (46.34008, - 123.577604); Klints Creek (46.352885, - 123.546067); Lassila Creek (46.330703, - 123.717849); Malone Creek (46.362725, - 123.638537); Mitchell Creek (46.457074, - 123.405992); North Fork South Fork Crooked Creek (46.302415, - 123.588653); Rangila Slough (46.379454, - 123.663919); Salme Creek (46.345311, - 123.727176); Seal Creek (46.330013, - 123.666112); Shannon Creek (46.397758, - 123.544779); Silver Creek (46.361718, - 123.606566); Sisson Creek (46.326508, - 123.744171); South Creek (46.298871, - 123.634124); South Fork Crooked Creek (46.291379, - 123.594068); South Fork Grays River (46.378555, - 123.338976); Sweigiler Creek (46.421912, - 123.519244); Thadbar Creek (46.338413, - 123.617861); Wallacut River (46.320188, - 124.009121); West Fork Grays River (46.45098, - 123.56517); Unnamed Creek (46.30366, - 123.59053).

(8) Clackamas Subbasin 17090011—(i) *Collawash River Watershed 1709001101*. Outlet(s) = Collawash River (Lat 45.032022, Long - 122.061189); upstream to endpoint(s) in: Collawash River (44.950761, - 122.036265); Fan Creek (44.990371, - 122.070099); Farm Creek (44.964523, - 122.056455); Hot Springs Fork (44.938225, - 122.179294); Nohorn Creek (44.951768, - 122.178914); Pansy Creek (44.961276, - 122.142173); Thunder Creek (44.971026, - 122.114357).

(ii) *Upper Clackamas River Watershed 1709001102*. Outlet(s) = Clackamas River (Lat 45.032073, Long - 122.060326); upstream to endpoint(s) in: Unnamed (44.921586, - 121.891779); Unnamed (44.946758, - 121.870376); Unnamed (44.965941, - 121.890584); Unnamed (44.984829, - 121.88591); Unnamed (45.00955, - 121.913461); Unnamed (45.009742, - 121.911448); Berry Creek (44.842515, - 121.913476); Clackamas River (44.872157, - 121.84842); Cub Creek (44.840609, - 121.886756); Fawn Creek (44.918888, - 121.906568); Hunter Creek (44.892373, - 121.929425); Kansas Creek (44.983299, - 121.898876); Last Creek (44.971428, - 121.855763); Lowe Creek (44.950581, - 121.911761); Pinhead Creek (44.947076, - 121.856905); Pot Creek (45.018321, - 121.903626);

Rhododendron Creek (44.935961, - 121.905497); Wall Creek (44.954634, - 121.885655); Wolf Creek (45.009327, - 121.896447); Unnamed Creek (44.939221, - 121.896788).

(iii) *Oak Grove Fork Clackamas River Watershed 1709001103*. Outlet(s) = Oak Grove Fork Clackamas River (Lat 45.074631, Long - 122.053402); upstream to endpoint(s) in: Oak Grove Fork Clackamas River (45.082079, - 121.987346); Pint Creek (45.083562, - 122.037835).

(iv) *Middle Clackamas River Watershed 1709001104*. Outlet(s) = Clackamas River (Lat 45.243027, Long - 122.28019); upstream to endpoint(s) in: Big Creek (45.071509, - 122.07317); Clackamas River (45.032073, - 122.060326); Fish Creek (45.063717, - 122.160481); North Fork Clackamas River (45.238149, - 122.218497); Oak Grove Fork Clackamas River (45.074631, - 122.053402); Mag Creek (45.058467, - 122.049959); Roaring River (45.181144, - 122.060589); Sandstone Creek (45.088154, - 122.075766); South Fork Clackamas River (45.193817, - 122.226266); Tag Creek (45.060352, - 122.048674); Tar Creek (45.049246, - 122.058186); Trout Creek (45.037826, - 122.073273); Wash Creek (45.047152, - 122.190238); Whale Creek (45.110262, - 122.085444).

(v) *Eagle Creek Watershed 1709001105*. Outlet(s) = Eagle Creek (Lat 45.353023, Long - 122.38235); upstream to endpoint(s) in: Unnamed (45.306541, - 122.253481); Bear Creek (45.333888, - 122.257969); Currin Creek (45.337212, - 122.357579); Delph Creek (45.266726, - 122.169986); Eagle Creek (45.276382, - 122.200963); Little Eagle Creek (45.301454, - 122.167019); North Fork Eagle Creek (45.315132, - 122.116618); Trout Creek (45.330806, - 122.124752).

(vi) *Lower Clackamas River Watershed 1709001106*. Outlet(s) = Clackamas River (Lat 45.372568, Long - 122.607652); upstream to endpoint(s) in: Unnamed (45.258538, - 122.299446); Unnamed (45.350086, - 122.487187); Unnamed (45.367637, - 122.306895); Unnamed (45.377873, - 122.36847); Unnamed (45.405591, - 122.323467); Unnamed (45.411148, - 122.302642); Bargfeld Creek (45.319393, - 122.440978); Clackamas River (45.243027, - 122.28019); Clear Creek (45.202385, - 122.314579); Deep Creek (45.341779, - 122.281223); Foster Creek (45.377099, - 122.440414); Goose Creek (45.361912, - 122.356092); Little Clear Creek (45.194779, - 122.32996); Little Clear Creek (45.279953, - 122.406729); Mosier Creek (45.268224, - 122.452581); North Fork Deep Creek (45.426893, - 122.304417);

Richardson Creek (45.409345, – 122.450358); Rock Creek (45.41554, – 122.502566); Tickle Creek (45.391446, – 122.27456).

(9) Lower Willamette Subbasin 17090012—(i) *Johnson Creek Watershed 1709001201*. Outlet(s) = Johnson Creek (Lat 45.443607, Long – 122.646568); upstream to endpoint(s) in: Unnamed (45.395793, – 122.637786); Unnamed (45.479793, – 122.637275); Unnamed (45.400038, – 122.643353); Unnamed (45.427915, – 122.679059); Unnamed (45.482333, – 122.416496); Unnamed (45.483664, – 122.416638); Unnamed (45.485757, – 122.422255); Unnamed (45.490889, – 122.423876); Badger Creek (45.459757, – 122.386165); Crystal Springs Creek (45.481991, – 122.636282); Hogan Creek (45.479786, – 122.417896); Johnson Creek (45.462435, – 122.305859); Kellogg Creek (45.416585, – 122.599025); Kelly Creek (45.467217, – 122.484045); Mount Scott Creek (45.430427, – 122.557033); Oswego Creek (45.410712, – 122.662215); Sunshine

Creek (45.462297, – 122.398193); Tryon Creek (45.453787, – 122.691186); Willamette River (45.372568, – 122.607652)).

(ii) *Scappoose Creek Watershed 1709001202*. Outlet(s) = Multnomah Channel (Lat 45.618917, Long – 122.796356); Multnomah Channel (45.856115, – 122.795022); upstream to endpoint(s) in: Brush Creek (45.811623, – 122.98903); Cox Creek (45.857229, – 122.945231); Dart Creek (45.880546, – 122.886563); Deep Creek (45.789148, – 122.918002); Fall Creek (45.80123, – 122.93963); Gourlay Creek (45.725088, – 122.960632); Lazy Creek (45.745352, – 122.992007); Lizzie Creek (45.824543, – 122.994287); McCarthy Creek (45.616212, – 122.859047); McNulty Creek (45.836482, – 122.859642); Miller Creek (45.611495, – 122.812947); Milton Creek (45.910301, – 122.975949); North Scappoose Creek (45.826402, – 123.0147); Raymond Creek (45.72705, – 122.929237); Salmon Creek (45.867532, – 122.901361); Scappoose

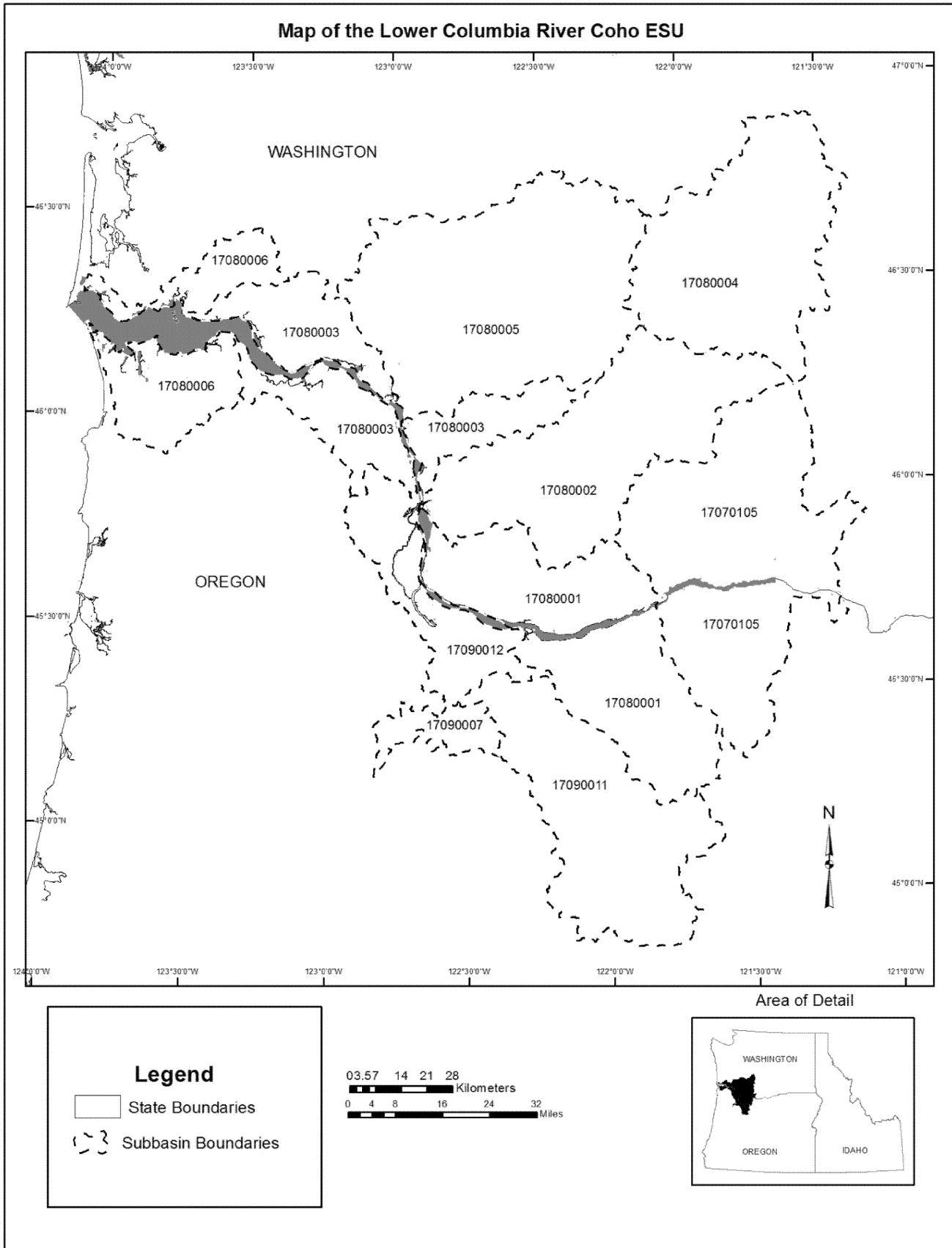
Bay (45.790852, – 122.876349); South Scappoose Creek (45.76167, – 123.011604); Sturgeon Lake (45.72323, – 122.79232); Sturgeon Lake (45.749815, – 122.802752); Sturgeon Lake (45.725503, – 122.830343); Wolf Creek (45.746648, – 122.949214).

(iii) *Columbia Slough/Willamette River Watershed 1709001203*. Outlet(s) = Willamette River (Lat 45.653521, Long – 122.764965); upstream to endpoint(s) in: Swan Island Basin (45.565019, – 122.713073); Columbia Slough (45.583522, – 122.647913); Unnamed (45.615235, – 122.740691); Unnamed (45.627985, – 122.754739); Willamette River (45.372568, – 122.607652).

(10) Lower Columbia River Corridor—Lower Columbia River Corridor. Outlet(s) = Columbia River (Lat 46.2485, Long – 124.0782) upstream to endpoint(s) in: Columbia River (Lat 45.605237, Long – 121.633264).

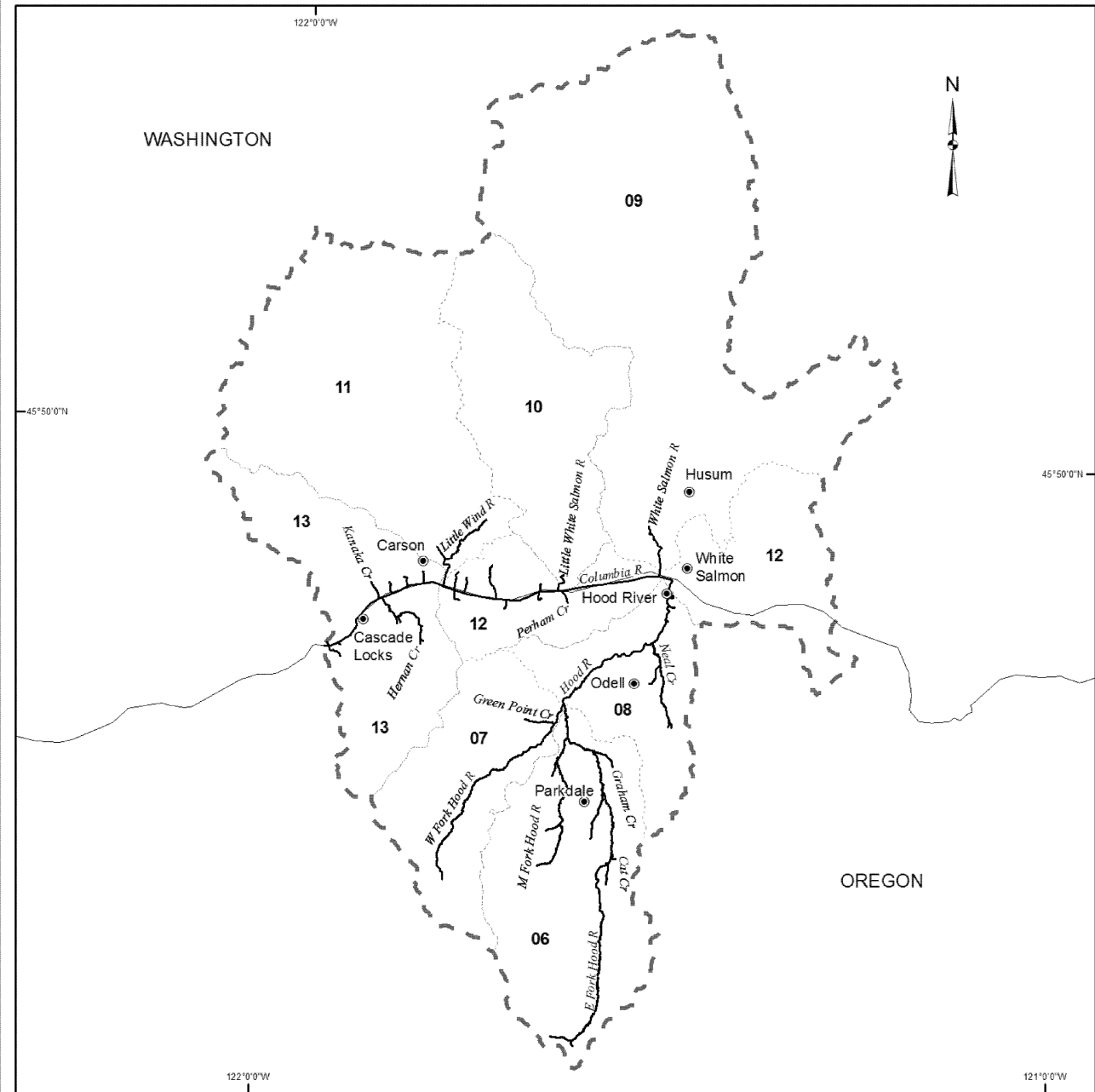
(11) Maps of proposed critical habitat for the lower Columbia River coho salmon DPS follow:

**BILLING CODE 3510–22–P**



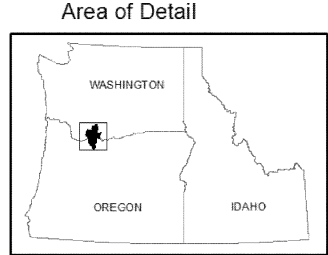
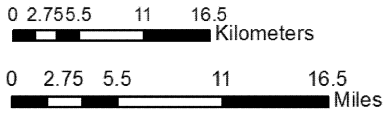
**Final Critical Habitat for the Lower Columbia River Coho ESU**

**Middle Columbia-Hood Subbasin 17070105**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

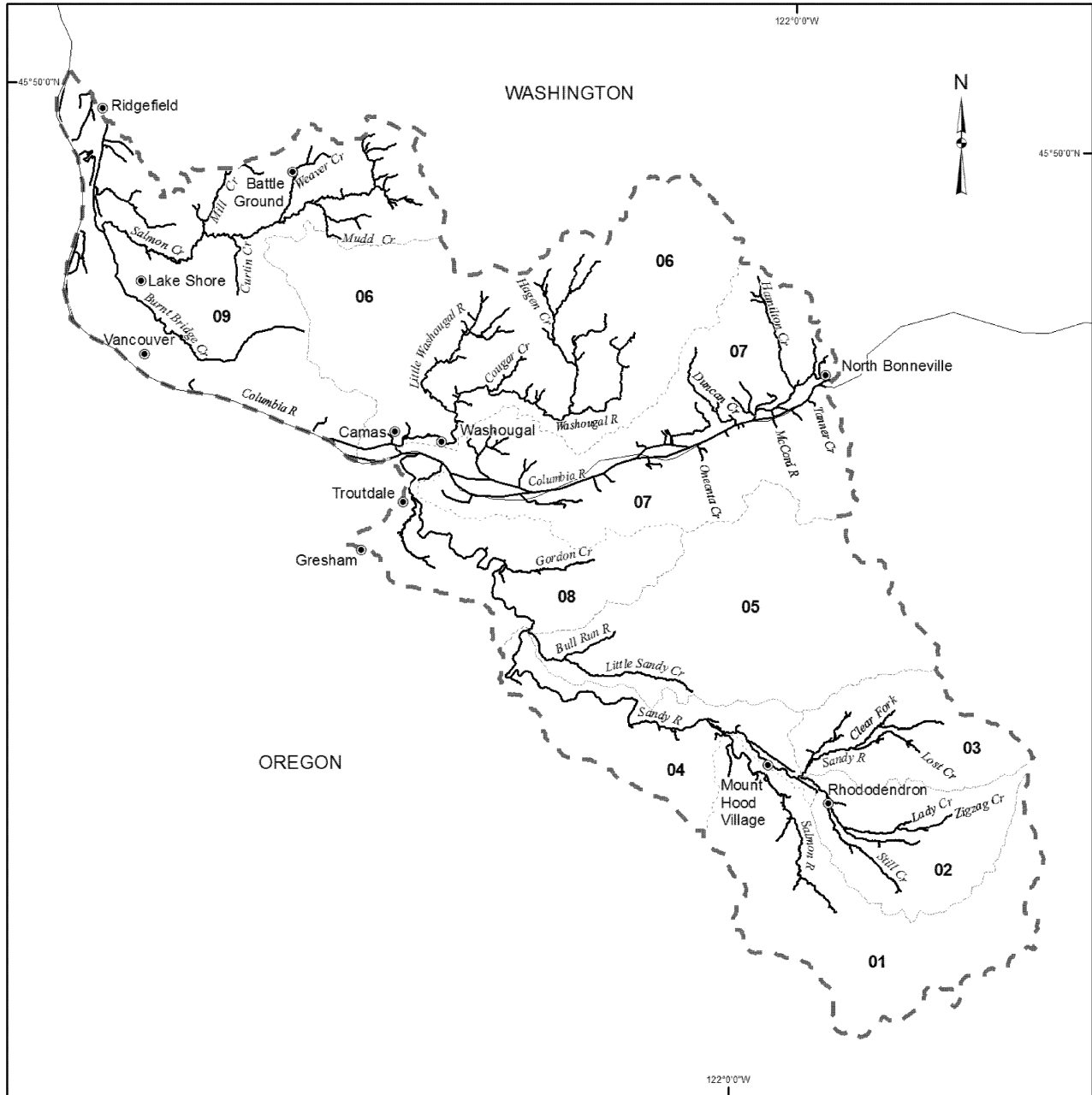
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17070105, watershed = 1707010501)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

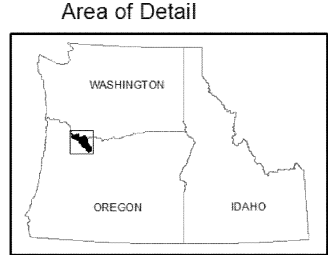
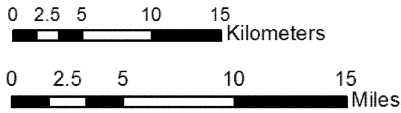
Final Critical Habitat for the Lower Columbia River Coho ESU

Lower Columbia-Sandy Subbasin 17080001



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- - - Watershed Boundary
- - - Subbasin Boundary

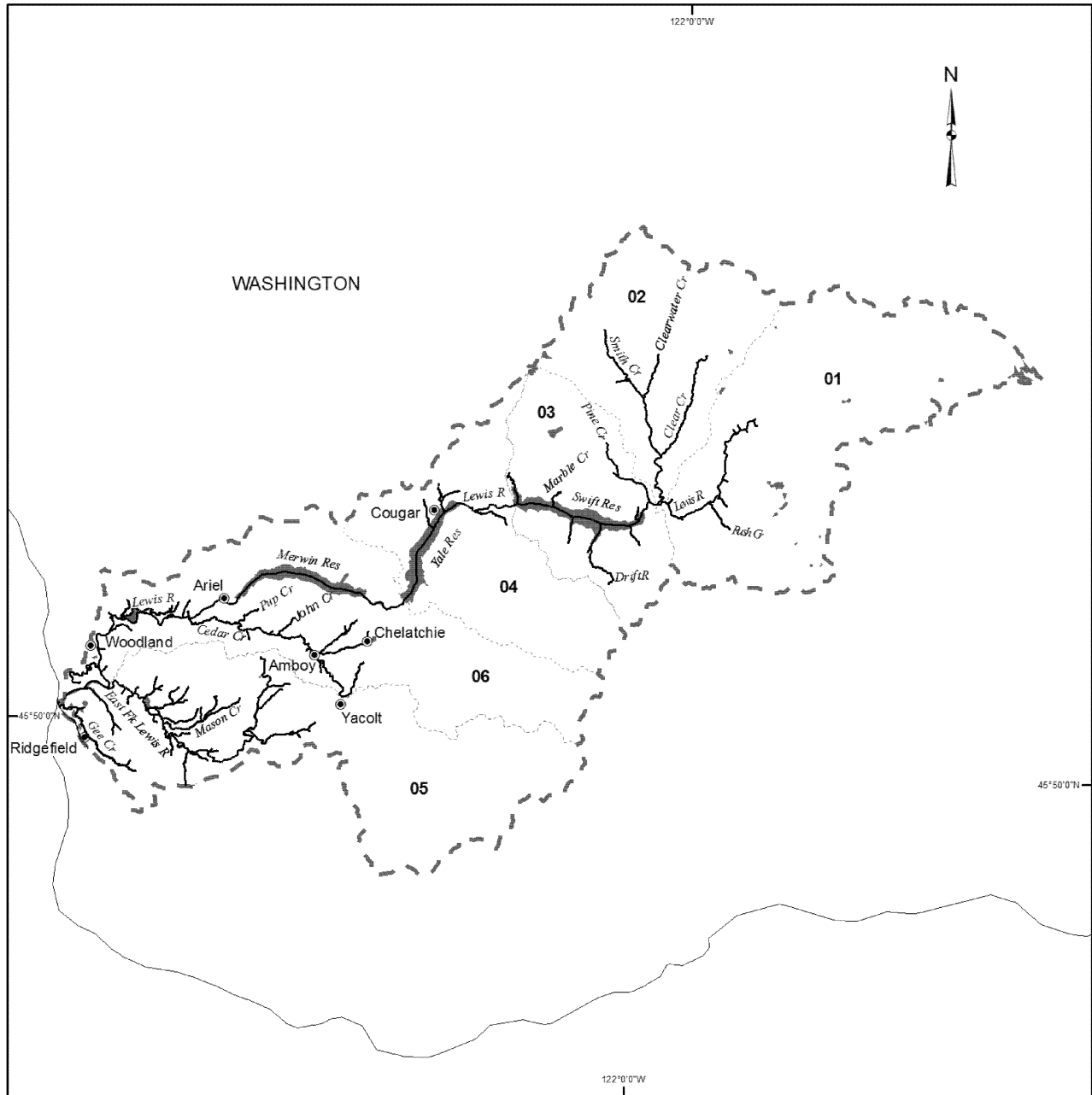
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080001, watershed = 1708000101)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

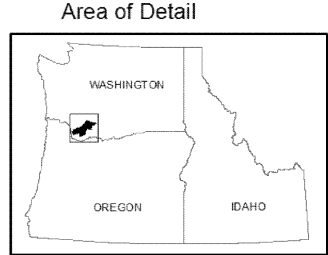
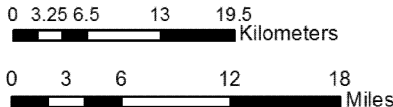
**Final Critical Habitat for the  
Lower Columbia River Coho ESU**

**Lewis Subbasin  
17080002**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

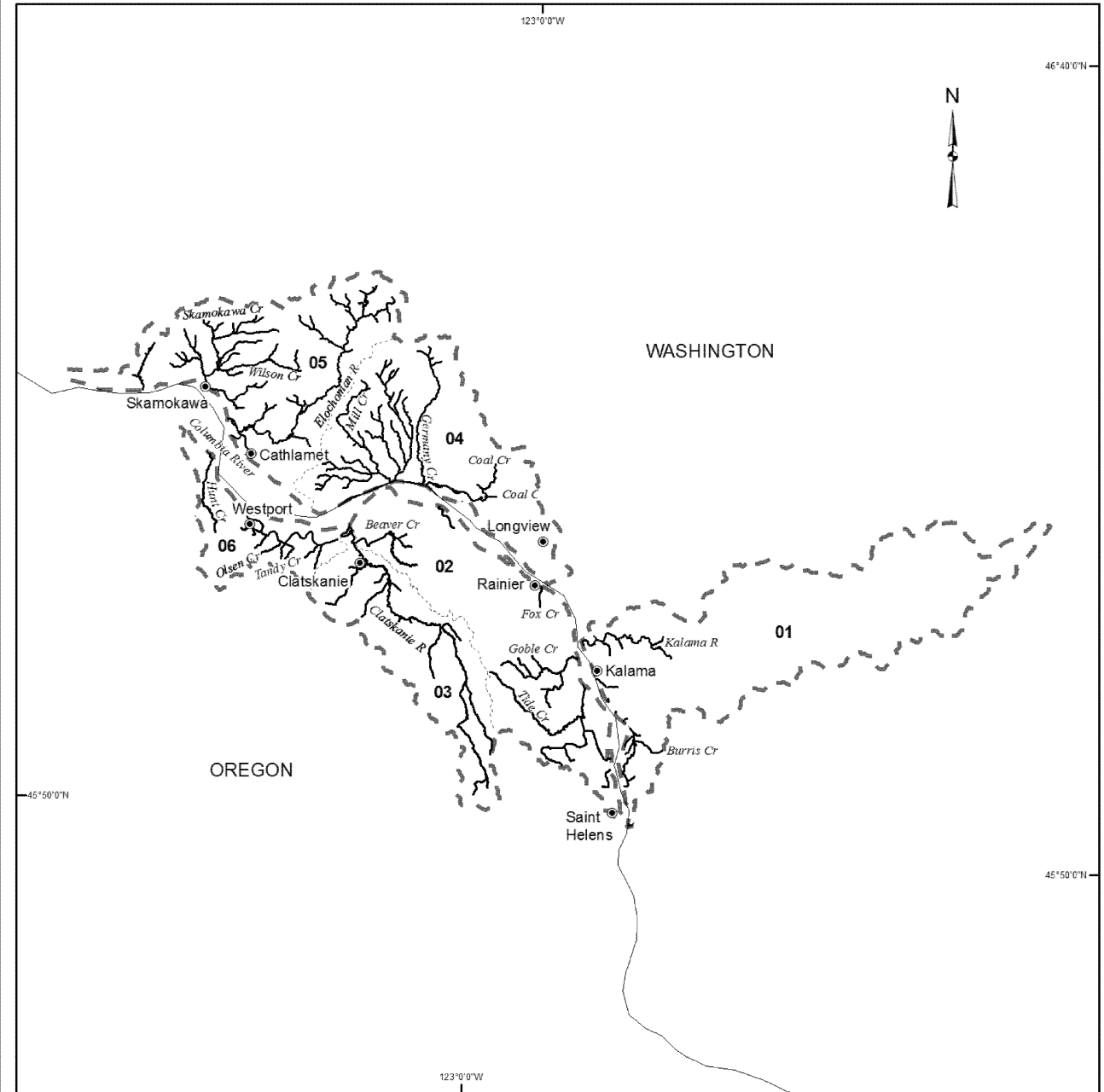
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080002, watershed = 1708000201)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

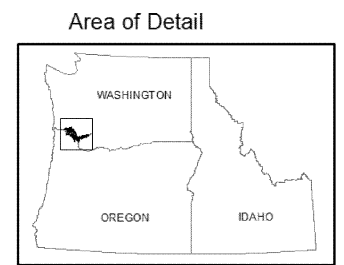
**Final Critical Habitat for the Lower Columbia River Coho ESU**

**Lower Columbia-Clatskanie Subbasin 17080003**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- - - Watershed Boundary
- - - Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080003, watershed = 1708000301)

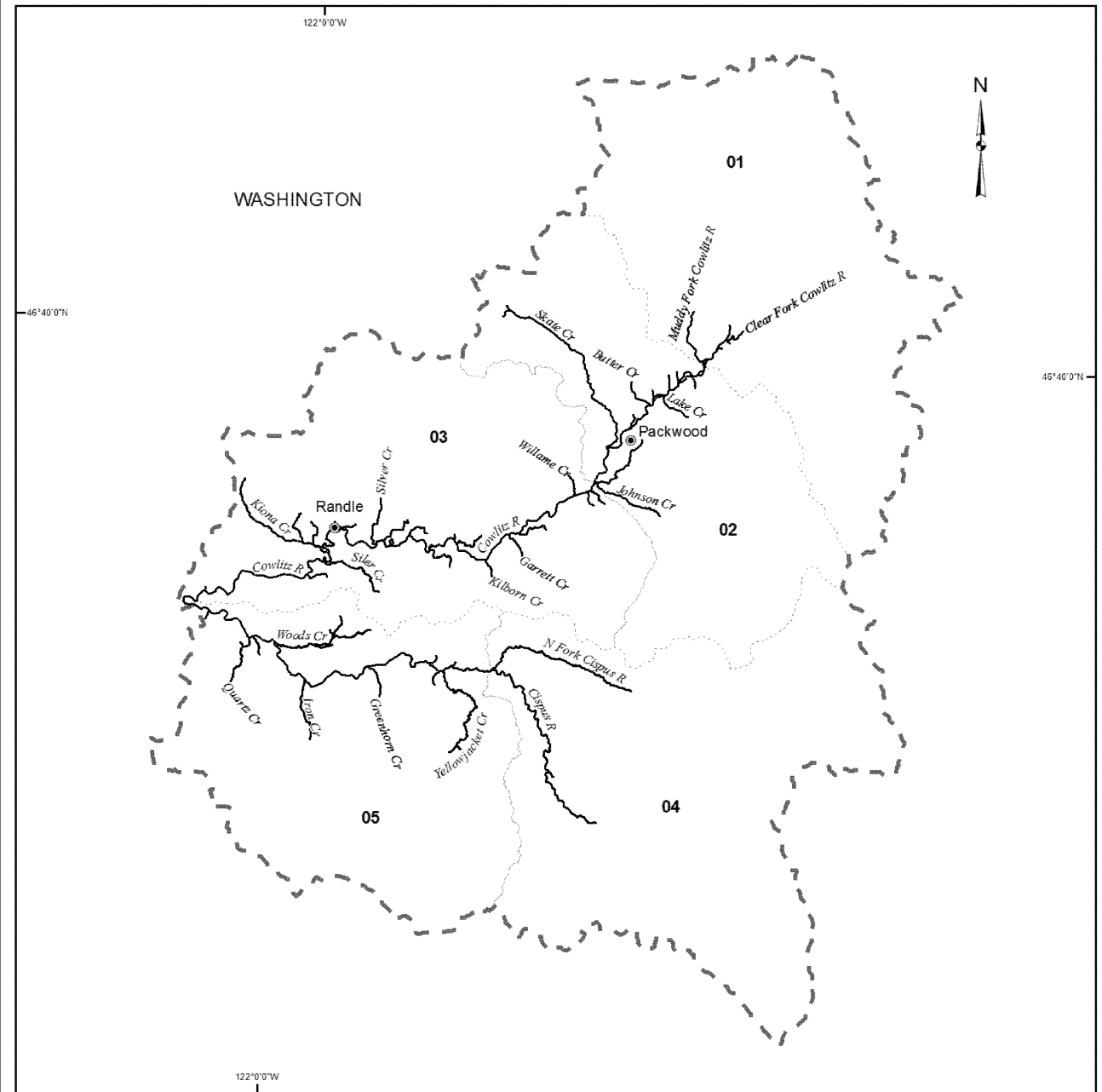


This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.



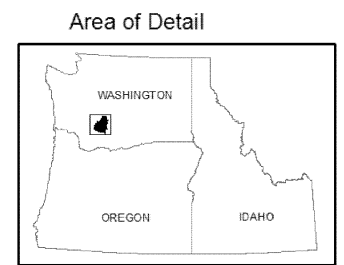
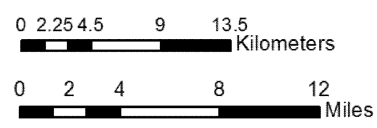
**Final Critical Habitat for the  
Lower Columbia River Coho ESU**

**Upper Cowlitz Subbasin  
17080004**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

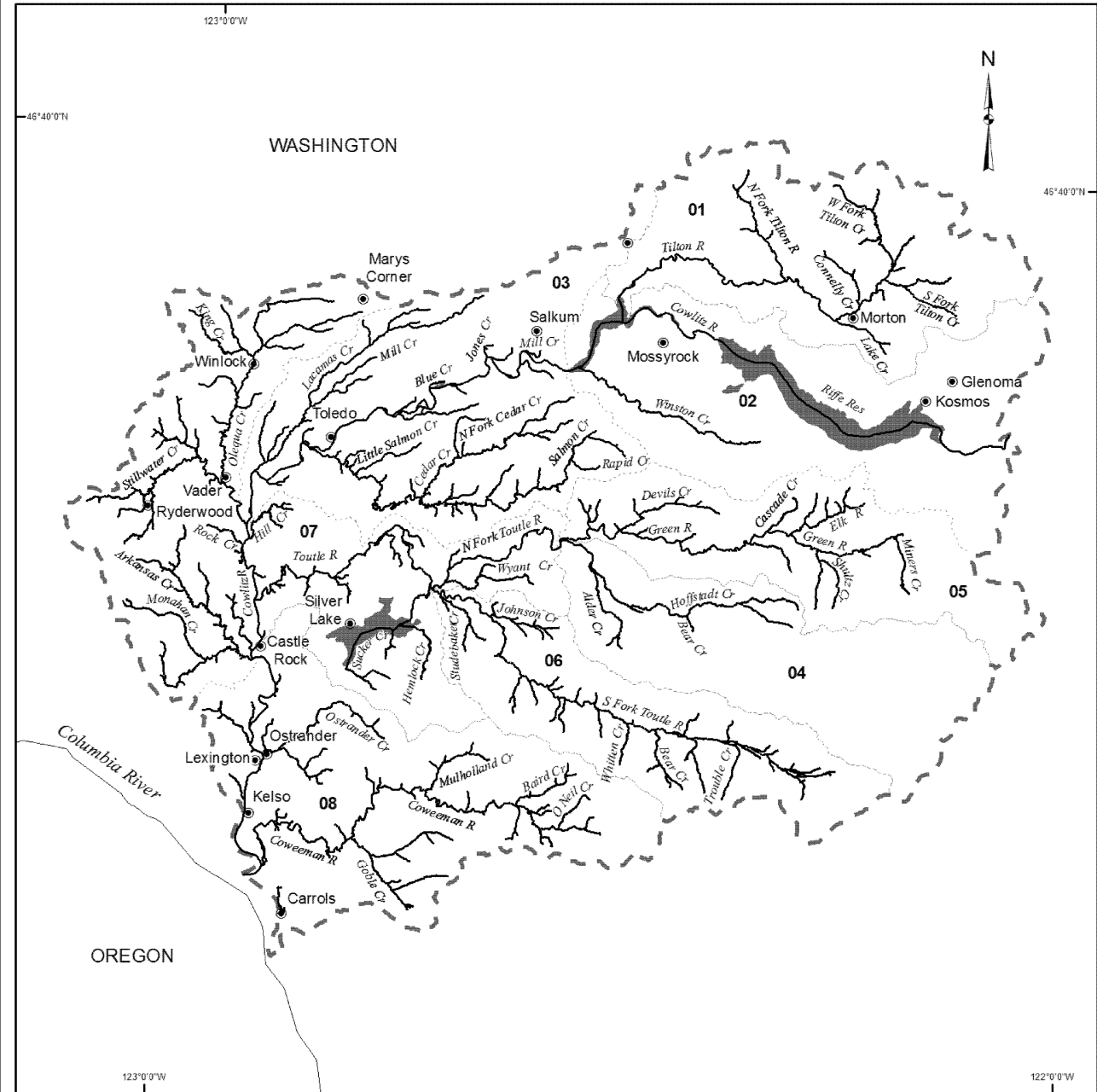
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080004, watershed = 1708000401)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

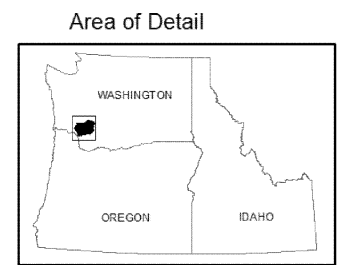
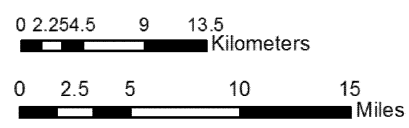
Final Critical Habitat for the Lower Columbia River Coho ESU

Cowlitz Subbasin 17080005



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

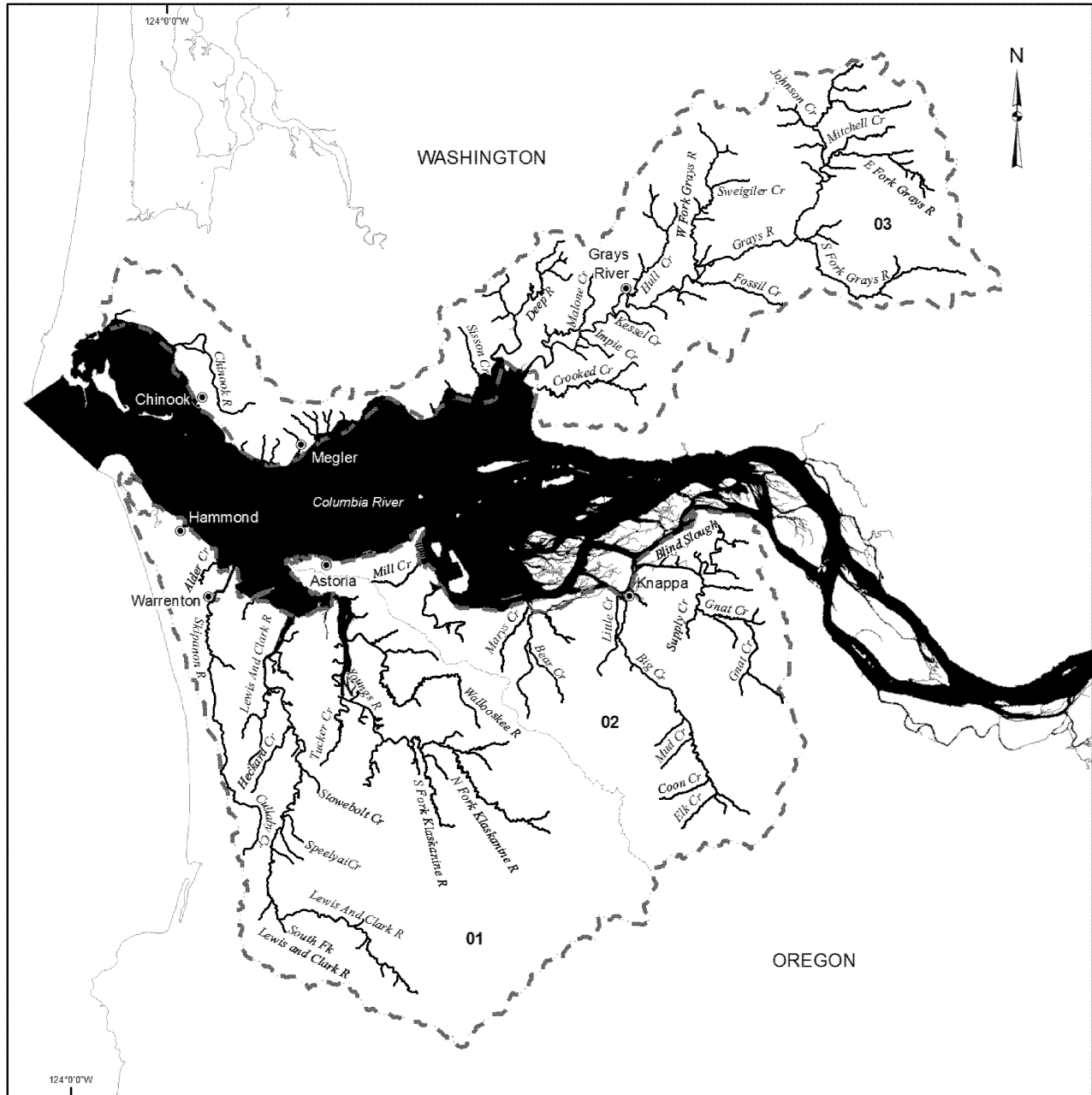
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080005, watershed = 1708000501)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

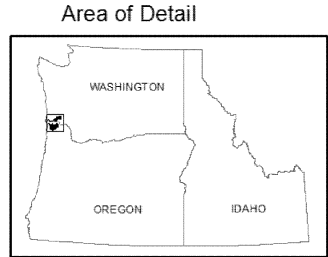
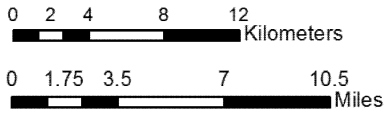
**Final Critical Habitat for the  
Lower Columbia River Coho ESU**

**Lower Columbia Subbasin  
17080006**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

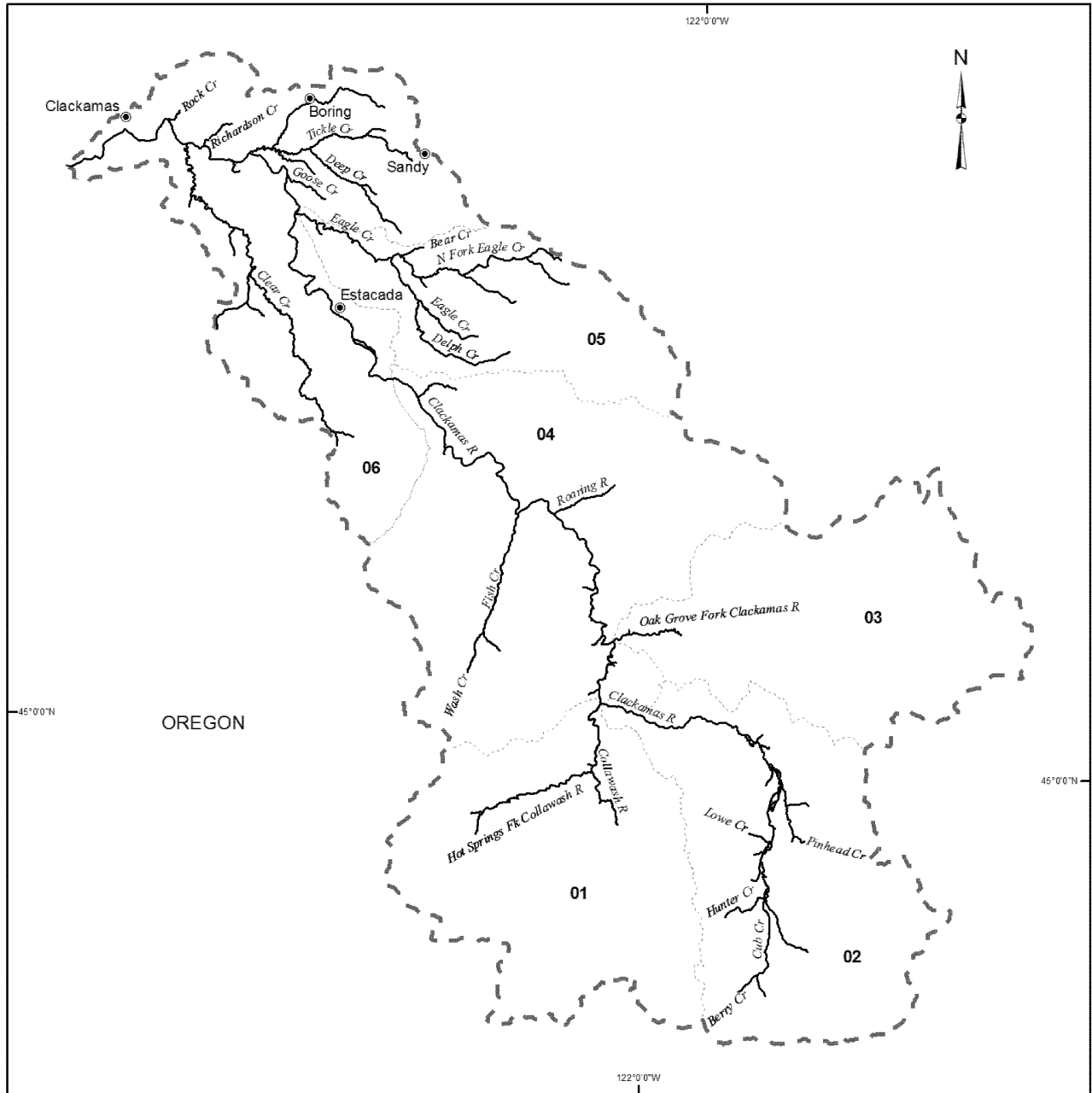
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17080006, watershed = 1708000601)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

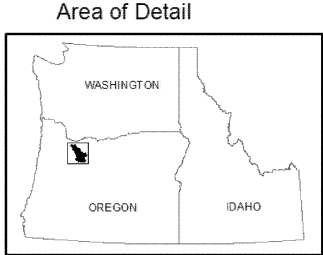
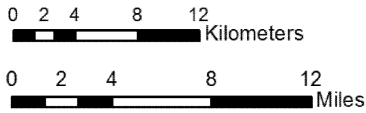
Final Critical Habitat for the Lower Columbia River Coho ESU

Clackamas Subbasin 17090011



- Cities
- State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- ⋯ Subbasin Boundary

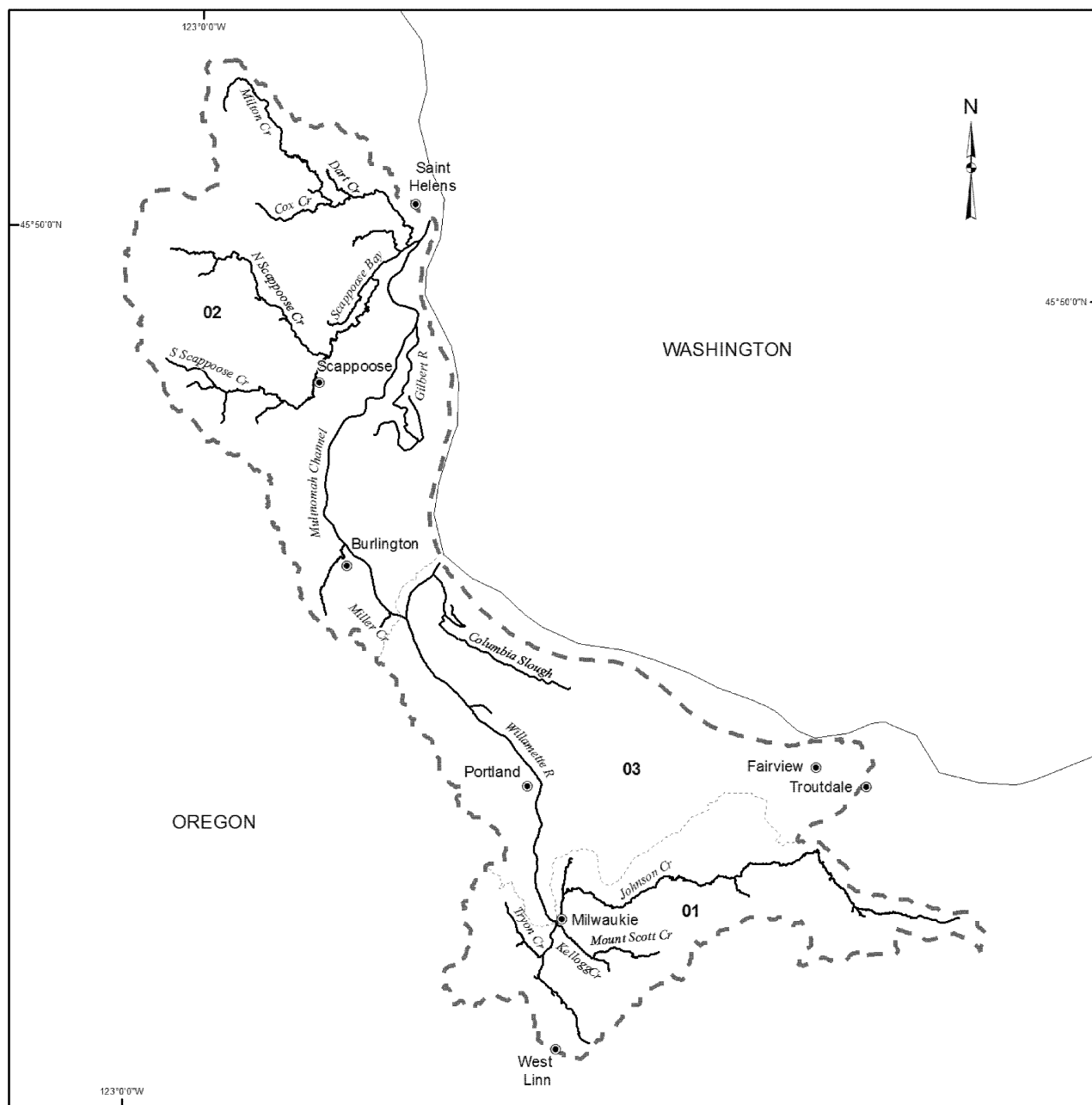
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17090011, watershed = 1709001101)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

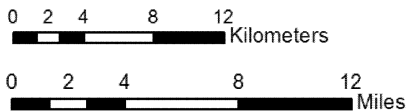
**Final Critical Habitat for the Lower Columbia River Coho ESU**

**Lower Willamette Subbasin 17090012**



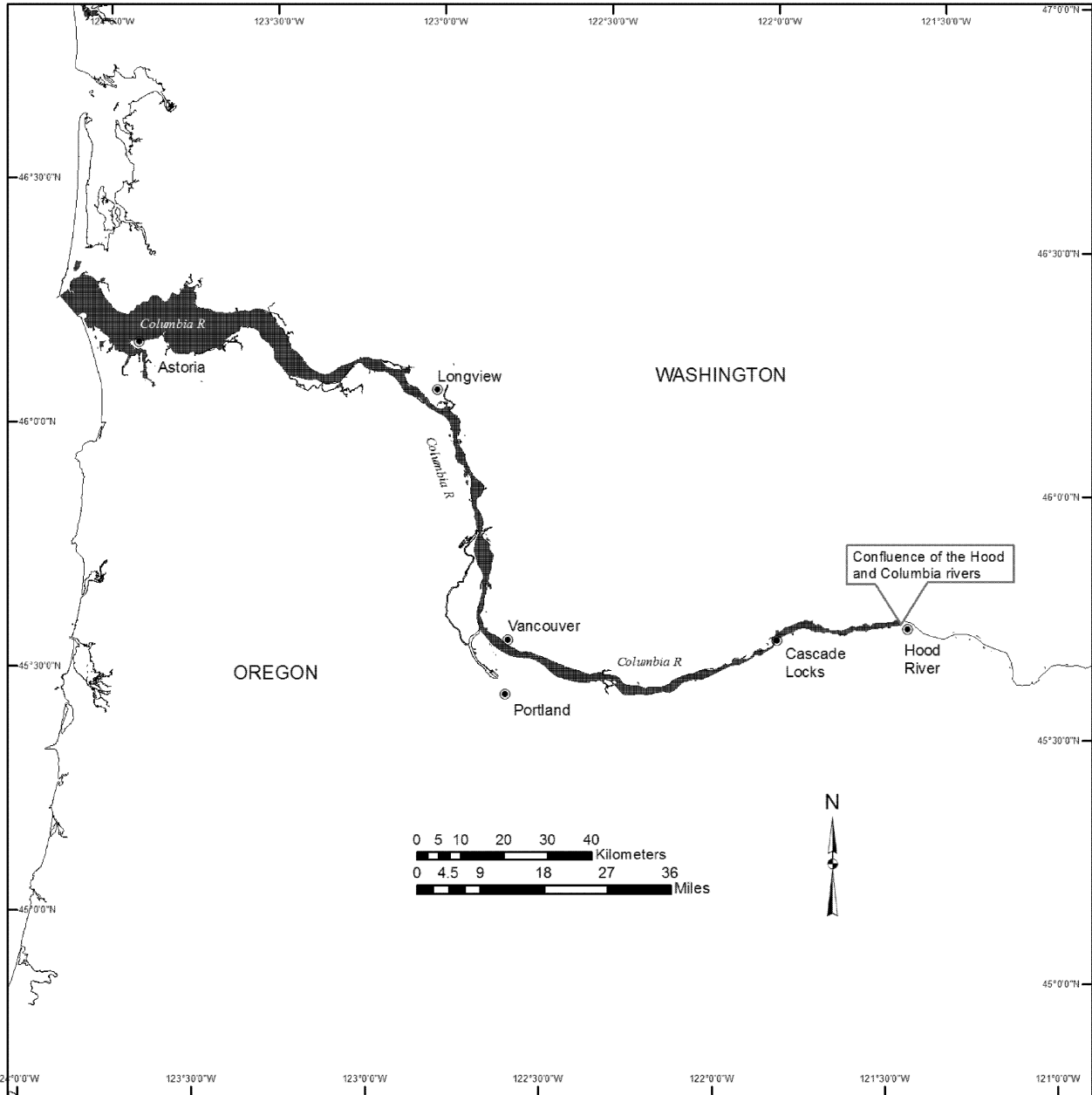
- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- ⬭ Watershed Boundary
- ⬭ Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17090012, watershed = 1709001201)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

### Columbia River Rearing / Migration Corridor for the Lower Columbia River Coho ESU



**Legend**

- Cities
- █ Critical Habitat
- State Boundaries

**Lower Columbia River Coho ESU**

**Lower Columbia River Corridor**  
 The lower Columbia River corridor is that segment from the mouth of the Columbia River at the Pacific Ocean upstream to the confluence with the Hood River (Oregon).

BILLING CODE 3510-22-C

(u) Puget Sound Steelhead (*Oncorhynchus mykiss*). Critical habitat

is designated to include the areas defined in the following subbasins:

- (1) Strait Of Georgia Subbasin 17110002—(i) Bellingham Bay 1711000201. Outlet(s) = Chuckanut

- Creek (Lat 48.700204, Long -122.4949); Colony Creek (48.596632, -122.419321); Padden Creek (48.720212, -122.507267); Squalicum Creek (48.761135, -122.508464); Unnamed (48.614316, -122.441055); Whatcom Creek (48.754617, -122.482672); upstream to endpoint(s) in: Chuckanut Creek (48.695855, -122.459009); Colony Creek (48.595012, -122.368655); Padden Creek (48.716119, -122.492112); Squalicum Creek (48.800413, -122.401884); Toad Creek (48.790221, -122.420404); Unnamed (48.61781, -122.439544); Unnamed (48.694566, -122.460342); Unnamed (48.749891, -122.443697); Unnamed (48.776621, -122.485934); Unnamed (48.798187, -122.478488); Unnamed (48.804196, -122.480665); Unnamed (48.808622, -122.395832); Unnamed (48.81125, -122.390305); Unnamed (48.818485, -122.394634); Whatcom Creek (48.755728, -122.439609).
- (ii) *Samish River Watershed 1711000202*. Outlet(s) = Samish River (Lat 48.554929, Long -122.456811); upstream to endpoint(s) in: Bear Creek (48.636953, -122.378411); Butler Creek (48.604896, -122.321047); Doolittle Creek (48.636011, -122.217771); Dry Creek (48.59728, -122.276992); Ennis Creek (48.656411, -122.192383); Friday Creek (48.648567, -122.371833); Parson Creek (48.601221, -122.282987); Silver Creek (48.64571, -122.329513); Swede Creek (48.558933, -122.226206); Thomas Creek (48.547551, -122.26923); Thunder Creek (48.597861, -122.214046); Unnamed (48.547031, -122.265845); Unnamed (48.601928, -122.266484); Unnamed (48.60898, -122.23177); Unnamed (48.624483, -122.220011); Unnamed (48.635349, -122.312454); Unnamed (48.636660, -122.376452); Unnamed (48.684736, -122.198027); Vernon Creek (48.592764, -122.243096).
- (iii) *Birch Bay 1711000204*. Outlet(s) = California Creek (Lat 48.96192, Long -122.732814); Dakota Creek (48.971842, -122.723798); Terrell Creek (48.921475, -122.745208); Unnamed (48.937195, -122.752893); upstream to endpoint(s) in: California Creek (48.894356, -122.608319); Haynie Creek (48.991982, -122.649909); North Fork Dakota Creek (48.984477, -122.568636); South Fork Dakota Creek (48.946745, -122.620945); Terrell Creek (48.873999, -122.688964); Unnamed (48.89583, -122.753422); Unnamed (48.937989, -122.750521); Unnamed (48.971309, -122.626164); Unnamed (48.975408, -122.668197); Unnamed (48.984629, -122.692849); Unnamed (48.986989, -122.701077); Unnamed (48.992777, -122.604054).
- (2) Nooksack Subbasin 17110004—(i) *Upper North Fork Nooksack River Watershed 1711000401*. Outlet(s) = Canyon Creek (Lat 48.90661, Long -121.989864); North Fork Nooksack River (48.90561, -121.987814); upstream to endpoint(s) in: Canyon Creek (48.922933, -121.966384); Cascade Creek (48.898964, -121.863499); Cornell Creek (48.88507, -121.95911); Deadhorse Creek (48.902507, -121.837147); Gallop Creek (48.883100, -121.947200); Glacier Creek (48.831251, -121.903097); Hedrick Creek (48.89601, -121.971728); Little Creek (48.882629, -121.937123); North Fork Nooksack River (48.905296, -121.8089); Thompson Creek (48.892411, -121.880668); West Cornell Creek (48.882149, -121.967178); Unnamed (48.83788, -121.90421); Unnamed (48.844181, -121.897301); Unnamed (48.891500, -121.967668); Unnamed (48.902338, -121.849472); Unnamed (48.90707, -121.83948).
- (ii) *Middle Fork Nooksack River Watershed 1711000402*. Outlet(s) = Canyon Creek (Lat 48.835008, Long -122.153051); Middle Fork Nooksack River (48.833037, 122.153128); upstream to endpoint(s) in: Canyon Creek (48.841923, -122.103727); Heislars Creek (48.778707, -122.092743); Middle Fork Nooksack River (48.771145, -122.072977); Porter Creek (48.794092, -122.103694); Unnamed (48.779218, -122.121048); Unnamed (48.780767, -122.116975); Unnamed (48.787472, -122.12477); Unnamed (48.820768, -122.122144).
- (iii) *South Fork Nooksack River Watershed 1711000403*. Outlet(s) = South Fork Nooksack River (Lat 48.807821, Long -122.20252); upstream to endpoint(s) in: Bell Creek (48.69622, -121.87518); Cavanaugh Creek (48.644428, -122.110678); Deer Creek (48.603978, -122.092479); Hard Scramble Falls Creek (48.759936, -122.22864); Howard Creek (48.612814, -121.966548); Hutchinson Creek (48.722661, -122.098154); Jones Creek (48.715065, -122.215748); Loomis Creek (48.665079, -121.815934); Mccarty Creek (48.727377, -122.219879); Mccinnis Creek (48.61109, -121.958839); Plumbago Creek (48.607449, -122.097919); Skookum Creek (48.68695, -122.104163); Standard Creek (48.74615, -122.224446); Sygitowicz Creek (48.772017, -122.228041); Unnamed (48.599197, -122.073063); Unnamed (48.600525, -122.039331); Unnamed (48.600658, -122.022203); Unnamed (48.60222, -122.059486); Unnamed (48.602513, -122.016247); Unnamed (48.602549, -122.004019); Unnamed (48.604219, -121.992247); Unnamed (48.604523, -121.915611); Unnamed (48.60507, -122.068393); Unnamed (48.60642, -121.930219); Unnamed (48.607985, -121.918823); Unnamed (48.608266, -121.911587); Unnamed (48.609571, -121.982189); Unnamed (48.61019, -121.954851); Unnamed (48.622868, -122.117508); Unnamed (48.626209, -122.118838); Unnamed (48.630045, -122.118545); Unnamed (48.642631, -122.122994); Unnamed (48.661705, -122.11915); Unnamed (48.679949, -121.933538); Unnamed (48.681, -122.176044); Unnamed (48.687907, -122.159547); Unnamed (48.69125, -121.932816); Unnamed (48.698785, -121.912135); Unnamed (48.700841, -121.880954); Unnamed (48.70222, -122.109268); Unnamed (48.725471, -122.168225); Unnamed (48.738227, -122.105899); Unnamed (48.745076, -122.11099); Unnamed (48.776775, -122.221381); Unnamed (48.784569, -122.220861); Unnamed (48.80173, -122.17607); Unnamed (48.819062, -122.229914); Wanlick Creek (48.66309, -121.801322).
- (iv) *Lower North Fork Nooksack River Watershed 1711000404*. Outlet(s) = Anderson Creek (Lat 48.866658, Long -122.324286); Nooksack River (48.869803, -122.319417); upstream to endpoint(s) in: Anderson Creek (48.789701, -122.330514); Bell Creek (48.849394, -122.163142); Boulder Creek (48.936973, -122.02081); Canyon Creek (48.90661, -121.989864); Coal Creek (48.890899, -122.15529); Kendall Creek (48.926471, -122.148139); Kenney Creek (48.851169, -122.11389); Macaulay Creek (48.834461, -122.236136); Maple Creek (48.926054, -122.07647); Mitchell Creek (48.831119, -122.218653); North Fork Nooksack River (48.90561, -121.987814); Racehorse Creek (48.879840, -122.126400); Smith Creek (48.843717, -122.255666); South Fork Nooksack River (48.807821, -122.20252); Unnamed (48.803428, -122.320427); Unnamed (48.809155, -122.328886); Unnamed (48.816885, -122.229843); Unnamed (48.830856, -122.173308); Unnamed (48.834543, -122.153069); Unnamed (48.843097, -122.158088); Unnamed (48.850754, -122.120796); Unnamed (48.90233, -122.093446); Unnamed (48.904967, -122.085488); Unnamed (48.903288, -122.088323);

Unnamed (48.91174, -122.01464);  
 Unnamed (48.916501, -122.063237);  
 Unnamed (48.918962, -122.015676);  
 Unnamed (48.920779, -122.049370);  
 Unnamed (48.916696, -122.103739);  
 Wildcat Creek (48.903709,  
 -122.000478).

(v) *Nooksack River Watershed*  
 1711000405. Outlet(s) = Nooksack River  
 (Lat 48.773567, Long -122.599888);  
 Silver Creek (48.821901, -122.53218);  
 East Silver Creek (48.81687,  
 -122.529067); upstream to endpoint(s)  
 in: Anderson Creek (48.866658,  
 -122.324286); Bertrand Creek  
 (49.002306, -122.523098); West  
 Bertrand Creek (48.993346,  
 -122.537903); Fishtrap Creek  
 (49.000000, -122.406584); Fourmile  
 Creek (48.888842, -122.422525);  
 Mormon Ditch (48.943782,  
 -122.382402); Nooksack River  
 (48.869803, -122.319417); Pepin Creek  
 (49.000000, -122.473673); Stickney  
 Slough (48.971492, -122.390969);  
 Tenmile Creek (48.841838,  
 -122.377054); Wisner Lake (48.899749,  
 -122.511319); Unnamed (48.840108,  
 -122.411055); Unnamed (48.849253,  
 -122.431795); Unnamed (48.854029,  
 -122.477112); Unnamed (48.854666,  
 -122.439035); Unnamed (48.870978,  
 -122.599973); Unnamed (48.896998,  
 -122.339775); Unnamed (48.913285,  
 -122.364233); Unnamed (48.926314,  
 -122.591314); Unnamed (48.967318,  
 -122.524502); Unnamed (49.00182,  
 -122.50126); Unnamed (49.000000,  
 -122.474268).

(3) Upper Skagit Subbasin  
 17110005—(i) *Skagit River/Gorge Lake*  
*Watershed 1711000504*. Outlet(s) =  
 Goodell Creek (Lat 48.674399, Long  
 -121.26504); Skagit River (48.672375,  
 -121.262508); upstream to endpoint(s)  
 in: Goodell Creek (48.729929,  
 -121.314); Newhalem Creek  
 (48.664832, -121.255072); Skagit River  
 (48.676125, -121.241661).

(ii) *Skagit River/Diobsud Creek*  
*Watershed 1711000505*. Outlet(s) =  
 Skagit River (48.522186, -121.431634);  
 upstream to endpoint(s) in: Alma Creek  
 (48.599105, -121.36141); Bacon Creek  
 (48.675306, -121.453097); Copper  
 Creek (48.588469, -121.370907);  
 Damnation Creek (48.627647,  
 -121.339559); Diobsud Creek  
 (48.583981, -121.441197); East Fork  
 Bacon Creek (48.669034, -121.430334);  
 Falls Creek (48.633251, -121.427043);  
 Oakes Creek (48.619075, -121.412357);  
 Skagit River (48.672375, -121.262508);  
 Thorton Creek (48.649594,  
 -121.307697); Unnamed (48.550953,  
 -121.419261); Unnamed (48.627482,  
 -121.324941); Unnamed (48.630803,  
 -121.424055); Unnamed (48.652391,  
 -121.297267); Unnamed (48.65642,

-121.293119); Unnamed (48.657949,  
 -121.279141); Unnamed (48.659526,  
 -121.281845); Unnamed (48.659652,  
 -121.284867).

(iii) *Cascade River Watershed*  
 1711000506. Outlet(s) = Cascade River  
 (Lat 48.52147, Long -121.431469);  
 upstream to endpoint(s) in: Boulder  
 Creek (48.511828, -121.363515);  
 Cascade River (48.422406,  
 -121.124592); Clark Creek (48.519616,  
 -121.404247); Found Creek (48.481464,  
 -121.244895); Jordan Creek (48.479149,  
 -121.396302); Kindy Creek (48.40346,  
 -121.19997); North Fork Cascade River  
 (48.46574, -121.165301); Sibley Creek  
 (48.511764, -121.255306); Unnamed  
 (48.516916, -121.369934); Unnamed  
 (48.519853, -121.355352); Unnamed  
 (48.522841, -121.416253); Unnamed  
 (48.540716, -121.187277).

(iv) *Skagit River/illabot Creek*  
*Watershed 1711000507*. Outlet(s) =  
 Skagit River (Lat 48.533888, Long  
 -121.736697); upstream to endpoint(s)  
 in: Aldon Creek (48.490787,  
 -121.655981); Barr Creek (48.494766,  
 -121.553562); Cascade River (48.52147,  
 -121.431469); Corkindale Creek  
 (48.523793, -121.481226); Illabot Creek  
 (48.420072, -121.375128); Jackman  
 Creek (48.52921, -121.696976); Mcleod  
 Slough (48.478113, -121.628016);  
 Miller Creek (48.483633, -121.657553);  
 Olson Creek (48.554876, -121.448159);  
 Rocky Creek (48.507094, -121.497771);  
 Sauk River (48.48173, -121.607129);  
 Skagit River (48.522186, -121.431634);  
 Sutter Creek (48.495127, -121.549745);  
 Unnamed (48.471463, -121.542227);  
 Unnamed (48.485698, -121.594461);  
 Unnamed (48.487325, -121.545692);  
 Unnamed (48.487425, -121.533453);  
 Unnamed (48.501107, -121.661145).

(v) *Baker River Watershed*  
 1711000508. Outlet(s) = Baker River (Lat  
 48.533879, Long -121.736713);  
 upstream to endpoint(s) in: Baker River  
 (48.820068, -121.428469); Bald Eagle  
 Creek (48.786682, -121.426929); Blum  
 Creek (48.753095, -121.54535); Little  
 Sandy Creek (48.704049, -121.698077);  
 Morovitz Creek (48.745746,  
 -121.677314); Park Creek (48.74079,  
 -121.681977); Pass Creek (48.814934,  
 -121.463275); Rocky Creek (48.645389,  
 -121.707383); Skagit River (48.533888,  
 -121.736697); Swift Creek (48.753261,  
 -121.65719); Unnamed (48.734467,  
 -121.636766).

(4) Sauk Subbasin 17110006—(i)  
*Upper Sauk River Watershed*  
 1711000601. Outlet(s) = Sauk River (Lat  
 48.173216, Long -121.472863);  
 upstream to endpoint(s) in: Bedal Creek  
 (48.079796, -121.392862); Black Oak  
 Creek (48.178866, -121.45057); Camp  
 Creek (48.150358, -121.280495);  
 Chocwich Creek (48.072804,

-121.399295); Crystal Creek  
 (48.182984, -121.360841); Dead Duck  
 Creek (48.179803, -121.373501); Elliott  
 Creek (48.055379, -121.415773); Falls  
 Creek (48.136819, -121.432256);  
 Martin Creek (48.091595,  
 -121.402576); North Fork Sauk River  
 (48.096, -121.372171); Owl Creek  
 (48.162177, -121.295991); Peek-A-Boo  
 Creek (48.149748, -121.441535); South  
 Fork Sauk River (47.986322,  
 -121.393336); Stujack Creek  
 (48.176825, -121.392682); Swift Creek  
 (48.099536, -121.40116); Unnamed  
 (48.117404, -121.416221); Unnamed  
 (48.164324, -121.447051); Unnamed  
 (48.165143, -121.33003); Weden Creek  
 (47.986316, -121.44378); White Chuck  
 River (48.09948, -121.182565).

(ii) *Upper Suiattle River Watershed*  
 1711000602. Outlet(s) = Suiattle River  
 (48.258351, -121.224572); upstream to  
 endpoint(s) in: Downey Creek  
 (48.28262, -121.209548); Suiattle River  
 (48.210571, -121.088734); Sulphur  
 Creek (48.256889, -121.174591).

(iii) *Lower Suiattle River Watershed*  
 1711000603. Outlet(s) = Suiattle River  
 (Lat 48.335583, Long -121.547106);  
 upstream to endpoint(s) in: All Creek  
 (48.288401, -121.429156); Big Creek  
 (48.343084, -121.441273); Black Creek  
 (48.258382, -121.402801); Buck Creek  
 (48.275388, -121.327822); Captain  
 Creek (48.258384, -121.276479); Circle  
 Creek (48.257783, -121.339964);  
 Conrad Creek (48.276814,  
 -121.414421); Harriet Creek (48.24803,  
 -121.30351); Lime Creek (48.244288,  
 -121.294507); Suiattle River  
 (48.258351, -121.224572); Tenas Creek  
 (48.336889, -121.431586); Unnamed  
 (48.268285, -121.347595); Unnamed  
 (48.2897, -121.432205); Unnamed  
 (48.295835, -121.432122); Unnamed  
 (48.303544, -121.423863).

(iv) *Lower Sauk River Watershed*  
 1711000604. Outlet(s) = Mcleod Slough  
 (Lat 48.478113, Long -121.628016);  
 Sauk River (48.48173, -121.607129);  
 upstream to endpoint(s) in: Clear Creek  
 (48.202408, -121.569295); Dan Creek  
 (48.265631, -121.540646); Dutch Creek  
 (48.179125, -121.486809); Everett  
 Creek (48.283836, -121.526243);  
 Goodman Creek (48.185225,  
 -121.499311); Hilt Creek (48.440932,  
 -121.573433); Murphy Creek  
 (48.183863, -121.523654); Rinker  
 Creek (48.395207, -121.583449); Sauk  
 River (48.173216, -121.472863);  
 Suiattle River (48.335583,  
 -121.547106); Unnamed (48.235207,  
 -121.590179); Unnamed (48.282638,  
 -121.530751); Unnamed (48.286653,  
 -121.524888); Unnamed (48.305253,  
 -121.545097); Unnamed (48.439232,  
 -121.616077); White Creek (48.403202,  
 -121.537828).



(5) Lower Skagit Subbasin 17110007—(i) *Middle Skagit River/Finney Creek Watershed 1711000701*. Outlet(s) = Skagit River (Lat 48.488951, Long - 122.217614); upstream to endpoint(s) in: Alder Creek (48.552575, - 121.932183); Boyd Creek (48.504855, - 121.892273); Childs Creek (48.536412, - 122.080267); Coal Creek (48.533942, - 122.153196); Cumberland Creek (48.510468, - 121.993332); Day Creek (48.406901, - 121.97766); Finney Creek (48.465302, - 121.687051); Gilligan Creek (48.48009, - 122.130644); Grandy Creek (48.561171, - 121.818094); Hansen Creek (48.559859, - 122.208046); Jones Creek (48.558032, - 122.046527); Loretta Creek (48.492814, - 122.018527); Marietta Creek (48.511246, - 121.930245); Mill Creek (48.500192, - 121.873597); Muddy Creek (48.545767, - 121.985109); O Toole Creek (48.508466, - 121.919329); Pressentin Creek (48.509721, - 121.846156); Quartz Creek (48.50301, - 121.788233); Red Cabin Creek (48.552388, - 122.016014); Skagit River (48.533385, - 121.737928); Sorenson Creek (48.488763, - 122.104541); Unnamed (48.480893, - 122.141637); Unnamed (48.489945, - 122.098925); Unnamed (48.495815, - 121.753486); Unnamed (48.506371, - 122.061784); Unnamed (48.509168, - 122.104561); Unnamed (48.514861, - 122.118166); Unnamed (48.528239, - 122.166675); Unnamed (48.528601, - 122.102507); Unnamed (48.535185, - 122.087068); Unnamed (48.536394, - 122.085423); Unnamed (48.537986, - 122.186437); Unnamed (48.542105, - 122.059915); Unnamed (48.547274, - 122.185153); Unnamed (48.547956, - 122.187094); Unnamed (48.548129, - 121.954555); Unnamed (48.550762, - 122.195456); Unnamed (48.552902, - 121.959069); Unnamed (48.558115, - 122.198368); Unnamed (48.558227, - 121.99464); Unnamed (48.561171, - 121.818094); Unnamed (48.562984, - 121.811731); Unnamed (48.55177, - 122.204332); Wiseman Creek (48.532064, - 122.135004).

(ii) *Lower Skagit River/Nookachamps Creek Watershed 1711000702*. Outlet(s) = Freshwater Slough (Lat 48.310713, Long - 122.389592); North Fork Skagit River (48.362362, - 122.470128); South Fork Skagit River (48.291833, - 122.368233); upstream to endpoint(s) in: Britt Slough (48.393312, - 122.358366); Carpenter Creek (48.394245, - 122.277339); East Fork Nookachamps Creek (48.404247, - 122.180275); Fisher Creek (48.30521, - 122.296248); Lake Creek (48.324016, - 122.224344); Skagit River (48.488951, - 122.217614); Turner Creek

(48.447398, - 122.195845); Unnamed (48.358837, - 122.422683); Unnamed (48.366754, - 122.41293); Unnamed (48.432707, - 122.314617); Unnamed (48.380192, - 122.17967); Walker Creek (48.375354, - 122.176074).

(6) Stillaguamish Subbasin 17110008—(i) *North Fork Stillaguamish River Watershed 1711000801*. Outlet(s) = North Fork Stillaguamish River (Lat 48.203615, Long - 122.126717); upstream to endpoint(s) in: Boulder River (48.245122, - 121.828242); Brooks Creek (48.289564, - 121.906883); Deer Creek (48.364935, - 121.794539); Deforest Creek (48.393279, - 121.853014); Dicks Creek (48.300579, - 121.836549); French Creek (48.239427, - 121.774131); Fry Creek (48.256369, - 121.897103); Furland Creek (48.25189, - 121.699139); Grant Creek (48.295612, - 122.031716); Hell Creek (48.252119, - 121.964447); Higgins Creek (48.329407, - 121.791932); Little Deer Creek (48.431748, - 121.938181); Little French Creek (48.268189, - 121.738851); Montague Creek (48.250887, - 121.867164); Moose Creek (48.253373, - 121.710713); North Fork Stillaguamish River (48.296662, - 121.636091); Rick Creek (48.349662, - 121.899994); Rock Creek (48.272543, - 122.084907); Rollins Creek (48.292951, - 121.851904); Segelsen Creek (48.301774, - 121.705063); Snow Gulch (48.241837, - 121.688972); Squire Creek (48.201836, - 121.630783); Unnamed (48.225817, - 122.090659); Unnamed (48.23139, - 122.079834); Unnamed (48.236267, - 121.625132); Unnamed (48.236753, - 122.051497); Unnamed (48.243945, - 121.64302); Unnamed (48.24766, - 122.036676); Unnamed (48.252573, - 122.029955); Unnamed (48.255611, - 121.714995); Unnamed (48.256057, - 122.095346); Unnamed (48.256367, - 121.939918); Unnamed (48.256695, - 122.025848); Unnamed (48.257104, - 121.90825); Unnamed (48.258393, - 122.05691); Unnamed (48.258869, - 121.764439); Unnamed (48.259213, - 121.70866); Unnamed (48.263641, - 121.763092); Unnamed (48.264861, - 121.758039); Unnamed (48.265601, - 122.004059); Unnamed (48.267786, - 122.043722); Unnamed (48.268038, - 121.715334); Unnamed (48.272044, - 121.726641); Unnamed (48.27601, - 121.935088); Unnamed (48.277489, - 122.036087); Unnamed (48.27989, - 121.990779); Unnamed (48.281081, - 121.995266); Unnamed (48.281713, - 121.649707); Unnamed (48.283383, - 121.683334); Unnamed (48.28395, - 121.646562); Unnamed (48.284296, - 121.658284); Unnamed (48.28446, - 121.920135);

Unnamed (48.285216, - 121.62783); Unnamed (48.2891, - 121.769358); Unnamed (48.289217, - 121.680426); Unnamed (48.289395, - 121.755674); Unnamed (48.289507, - 121.702145); Unnamed (48.290513, - 121.743771); Unnamed (48.290671, - 121.721475); Unnamed (48.290801, - 121.746827); Unnamed (48.291004, - 121.691566); Unnamed (48.291597, - 121.693818); Unnamed (48.294273, - 121.732756); Unnamed (48.294703, - 121.826142); Unnamed (48.294855, - 121.94067); Unnamed (48.295803, - 121.789706); Unnamed (48.296128, - 121.825352); Unnamed (48.297676, - 121.802133); Unnamed (48.319239, - 121.964661); Unnamed (48.359397, - 121.920923); Unnamed (48.361324, - 121.93455); Unnamed (48.365655, - 121.915496); Unnamed (48.366918, - 121.941311); Unnamed (48.367183, - 121.958052); Unnamed (48.367255, - 121.956483); Unnamed (48.367469, - 121.95337); Unnamed (48.370765, - 121.89953); Unnamed (48.371334, - 121.834956); Unnamed (48.372057, - 121.893537); Unnamed (48.37667, - 121.887195); Unnamed (48.384027, - 121.879147); Unnamed (48.410307, - 121.91761); Unnamed (48.297464, - 121.81382); Unnamed (48.321184, - 121.95493).

(ii) *South Fork Stillaguamish River Watershed 1711000802*. Outlet(s) = North Fork Stillaguamish River (Lat 48.203615, Long - 122.126716); South Fork Stillaguamish River (48.203615, - 122.126717); upstream to endpoint(s) in: Bear Creek (48.064612, - 121.729061); Bear Creek (48.184588, - 122.027434); Beaver Creek (48.088637, - 121.513947); Bender Creek (48.066866, - 121.589809); Benson Creek (48.10167, - 121.738611); Blackjack Creek (48.051331, - 121.624223); Boardman Creek (48.04009, - 121.674988); Buck Creek (48.051042, - 121.469806); Coal Creek (48.093827, - 121.535554); Cranberry Creek (48.121886, - 121.803277); Cub Creek (48.211009, - 121.940174); Deer Creek (48.094863, - 121.554797); Eldredge Creek (48.074512, - 121.637347); Gordon Creek (48.086169, - 121.660042); Hawthorn Creek (48.078912, - 121.8082); Heather Creek (48.086826, - 121.782066); Hempel Creek (48.075711, - 121.743146); Jim Creek (48.209443, - 121.929313); Mallardy Creek (48.067197, - 121.657137); March Creek (48.196056, - 122.15374); Marten Creek (48.079769, - 121.613497); North Fork Canyon Creek (48.17598, - 121.82868); Palmer Creek (48.0427, - 121.474893); Perry Creek (48.077976, - 121.482351); Porter Creek (48.197684, - 122.008959); Rotary Creek (48.092322, - 121.828833);

- Schweitzer Creek (48.06862, -121.69012); Siberia Creek (48.166246, -122.022375); South Fork Canyon Creek (48.153787, -121.785021); South Fork Stillaguamish River (48.028261, -121.483458); Triple Creek (48.077106, -121.798123); Turlo Creek (48.108542, -121.764124); Twentytwo Creek (48.075825, -121.758819); Unnamed (48.047402, -121.505486); Unnamed (48.05552, -121.520966); Unnamed (48.075811, -121.563225); Unnamed (48.077807, -121.591337); Unnamed (48.080052, -121.580689); Unnamed (48.082802, -121.695828); Unnamed (48.084671, -121.683128); Unnamed (48.090013, -121.877766); Unnamed (48.091037, -121.815954); Unnamed (48.094741, -121.861679); Unnamed (48.100032, -121.796066); Unnamed (48.102487, -121.760967); Unnamed (48.10534, -122.027687); Unnamed (48.106381, -121.783693); Unnamed (48.107979, -121.790154); Unnamed (48.110592, -121.795323); Unnamed (48.11262, -121.80435); Unnamed (48.117007, -121.82596); Unnamed (48.118957, -121.83034); Unnamed (48.125862, -122.006135); Unnamed (48.131466, -121.905515); Unnamed (48.131881, -121.883717); Unnamed (48.134683, -121.938153); Unnamed (48.139202, -122.040321); Unnamed (48.140702, -121.932885); Unnamed (48.141896, -121.932379); Unnamed (48.143639, -121.932372); Unnamed (48.14431, -121.924623); Unnamed (48.14619, -122.017379); Unnamed (48.151471, -122.062372); Unnamed (48.166951, -122.097499); Unnamed (48.19464, -122.074897); Unnamed (48.199265, -122.091343); Unnamed (48.212118, -121.923782); Unnamed (48.21329, -122.028497); Unnamed (48.216753, -122.005396); Unnamed (48.219125, -121.989143); Unnamed (48.219724, -121.994297); Unnamed (48.224672, -121.975855); Unnamed (48.227563, -121.937492); Unnamed (48.233562, -121.953975); Wiley Creek (48.092015, -121.720605); Wisconsin Creek (48.068182, -121.719162).
- (iii) *Lower Stillaguamish River Watershed 1711000803*. Outlet(s) = Hat Slough (Lat 48.198102, Long -122.359125); Stillaguamish River (48.238335, -122.376115); upstream to endpoint(s) in: Church Creek (48.26413, -122.283181); Freedom Creek (48.271454, -122.314228); Harvey Creek (48.233538, -122.128366); Jackson Gulch (48.210323, -122.241546); North Fork Stillaguamish River (48.203615, -122.126716); Pilchuck Creek (48.317396, -122.149205); Portage Creek (48.178785, -122.182919); Stillaguamish River (48.203562, -122.126899); Unnamed (48.171029, -122.260136); Unnamed (48.186672, -122.277088); Unnamed (48.195788, -122.283335); Unnamed (48.195835, -122.168612); Unnamed (48.196884, -122.166822); Unnamed (48.20183, -122.295689); Unnamed (48.203545, -122.315975); Unnamed (48.203747, -122.19962); Unnamed (48.214373, -122.151954); Unnamed (48.224202, -122.14526); Unnamed (48.227416, -122.199181); Unnamed (48.232175, -122.226793); Unnamed (48.23644, -122.226298); Unnamed (48.240242, -122.207791); Unnamed (48.241888, -122.201199); Unnamed (48.251066, -122.202687); Unnamed (48.256206, -122.197528); Unnamed (48.262756, -122.185006); Unnamed (48.271258, -122.316101); Unnamed (48.281636, -122.206013); Unnamed (48.300059, -122.213286); Unnamed (48.303378, -122.161323).
- (7) Skykomish Subbasin 17110009—
- (i) *Tye And Beckler Rivers Watershed 1711000901*. Outlet(s) = Beckler River (Lat 47.715467, Long -121.341085); South Fork Skykomish River (47.71526, -121.339458); upstream to endpoint(s) in: Alpine Creek (47.70063, -121.253227); Beckler River (47.86115, -121.306314); East Fork Foss River (47.648892, -121.276727); Rapid River (47.819406, -121.237866); Tye River (47.717046, -121.226571); West Fork Foss River (47.627377, -121.310419).
- (ii) *Skykomish River Forks Watershed 1711000902*. Outlet(s) = North Fork Skykomish River (Lat 47.813603, Long -121.577995); South Fork Skykomish River (47.812617, -121.577943); upstream to endpoint(s) in: Barclay Creek (47.791478, -121.48993); Bear Creek (47.889803, -121.382157); Beckler River (47.715467, -121.341085); Bitter Creek (47.841172, -121.50341); Bridal Veil Creek (47.798538, -121.56095); East Fork Miller River (47.648482, -121.373599); Excelsior Creek (47.869782, -121.486781); Goblin Creek (47.925037, -121.311518); Index Creek (47.759736, -121.496132); Kimball Creek (47.701302, -121.431138); Lewis Creek (47.81892, -121.505851); Maloney Creek (47.704343, -121.354423); Money Creek (47.707177, -121.442116); North Fork Skykomish River (47.920573, -121.303744); Salmon Creek (47.904002, -121.467022); Silver Creek (47.940366, -121.437503); Snowslide Gulch (47.857696, -121.508333); South Fork Skykomish River (47.71526, -121.339458); Troublesome Creek (47.899315, -121.400435); Trout Creek (47.832847, -121.433624); West Cady Creek (47.897548, -121.305775); West Fork Miller River (47.665692, -121.400066).
- (iii) *Skykomish River/Wallace River Watershed 1711000903*. Outlet(s) = Mccoy Creek (Lat 47.847628, Long -121.824315); Skykomish River (47.860377, -121.819105); Unnamed (47.855571, -121.819268); upstream to endpoint(s) in: Anderson Creek (47.8044, -121.596583); Deer Creek (47.818891, -121.581685); Duffey Creek (47.833436, -121.689636); Hogarty Creek (47.842003, -121.612106); May Creek (47.856805, -121.632414); Mccoy Creek (47.831308, -121.826994); North Fork Skykomish River (47.813603, -121.577995); North Fork Wallace River (47.879351, -121.659897); Olney Creek (47.879416, -121.717566); Proctor Creek (47.816171, -121.652091); South Fork Skykomish River (47.812617, -121.577943); Unnamed (47.823821, -121.641583); Unnamed (47.854927, -121.788254); Unnamed (47.857101, -121.75812); Unnamed (47.858007, -121.797344); Unnamed (47.860413, -121.635072); Unnamed (47.84923, -121.784034); Unnamed (47.855893, -121.752873); Wagleys Creek (47.873165, -121.773098); Wallace River (47.877046, -121.645838).
- (iv) *Sultan River Watershed 1711000904*. Outlet(s) = Sultan River (Lat 47.861005, Long -121.820933); upstream to endpoint(s) in: Sultan River (47.959618, -121.796288); Unnamed (47.887034, -121.829974).
- (v) *Skykomish River/Woods Creek Watershed 1711000905*. Outlet(s) = Skykomish River (Lat 47.829872, Long -122.045091); upstream to endpoint(s) in: Barr Creek (Lat 47.829715, -121.905589); Carpenter Creek (48.015168, -121.930236); Elwell Creek (47.803646, -121.853672); Foye Creek (47.822602, -121.970674); High Rock Creek (47.837811, -121.959755); Mccoy Creek (47.847628, -121.824315); Richardson Creek (47.886315, -121.943935); Riley Slough (47.844202, -121.936904); Skykomish River (47.847403, -121.886481); Skykomish River (47.852292, -121.878907); Skykomish River (47.854738, -121.82681); Sorgenfrei Creek (47.961588, -121.934368); Sultan River (47.861005, -121.820933); Unnamed (47.818865, -122.005592); Unnamed (47.81969, -122.00526); Unnamed (47.829214, -121.844279); Unnamed (47.855571, -121.819268); Unnamed (47.88559, -121.921368); Unnamed (47.828244, -122.013516); Unnamed (47.834405, -122.016728); Unnamed (47.834695, -122.021191); Unnamed (47.836191, -121.980947); Unnamed (47.839322, -121.952037);

- Unnamed (47.839419, - 121.843256);  
 Unnamed (47.842963, - 121.90049);  
 Unnamed (47.844848, - 121.889155);  
 Unnamed (47.851422, - 121.852499);  
 Unnamed (47.853708, - 121.907276);  
 Unnamed (47.853713, - 121.91338);  
 Unnamed (47.857546, - 121.830245);  
 West Fork Woods Creek (47.983648,  
 - 121.957293); Woods Creek  
 (47.895095, - 121.875437); Youngs  
 Creek (47.807915, - 121.83447).  
 (8) Snoqualmie Subbasin 17110010—  
 (i) *Middle Fork Snoqualmie River  
 Watershed 1711001003*. Outlet(s) =  
 Langlois Creek (Lat 47.635728, Long  
 - 121.90751); Snoqualmie River  
 (47.640786, - 121.927225); upstream to  
 endpoint(s) in: Canyon Creek  
 (47.568828, - 121.981984); East Fork  
 Griffin Creek (47.667678, - 121.79524);  
 Griffin Creek (47.679643,  
 - 121.802134); Lake Creek (47.506498,  
 - 121.871475); Langlois Creek  
 (47.632423, - 121.900585); Langlois  
 Creek (47.63436, - 121.910479);  
 Patterson Creek (47.643294,  
 - 122.008601); Raging River (47.443286,  
 - 121.841753); Snoqualmie River  
 (47.54132, - 121.837391); Tokul Creek  
 (47.556115, - 121.829753); Unnamed  
 (47.435758, - 121.840802); Unnamed  
 (47.469131, - 121.887371); Unnamed  
 (47.552211, - 121.892074); Unnamed  
 (47.55902, - 121.959053); Unnamed  
 (47.594862, - 121.869153); Unnamed  
 (47.602188, - 121.86105); Unnamed  
 (47.611929, - 121.844129); Unnamed  
 (47.617761, - 121.987517); Unnamed  
 (47.620823, - 121.818809); Unnamed  
 (47.67586, - 121.821881); Unnamed  
 (47.550625, - 121.860269); Unnamed  
 (47.573184, - 121.882046); Unnamed  
 (47.574562, - 121.935597); Unnamed  
 (47.574643, - 121.923532); Unnamed  
 (47.575296, - 121.934856); Unnamed  
 (47.575302, - 121.928863); Unnamed  
 (47.577661, - 121.922239); Unnamed  
 (47.580744, - 121.89107); Unnamed  
 (47.604032, - 121.909863); Unnamed  
 (47.60579, - 121.908524); Unnamed  
 (47.611586, - 121.940718); Unnamed  
 (47.61275, - 121.923865); Unnamed  
 (47.619886, - 121.913184); Unnamed  
 (47.624753, - 121.913661).  
 (ii) *Lower Snoqualmie River  
 Watershed 1711001004*. Outlet(s) =  
 Snohomish River (47.832905,  
 - 122.05029); Unnamed (47.818865,  
 - 122.005592); upstream to endpoint(s)  
 in: Adair Creek (47.713532,  
 - 122.00603); Cherry Creek (47.767647,  
 - 121.835764); Langlois Creek  
 (47.635728, - 121.90751); Margaret  
 Creek (47.754562, - 121.894491); North  
 Fork Cherry Creek (47.747274,  
 - 121.922417); North Fork Creek  
 (47.709704, - 121.813858); Pearson  
 Eddy Creek (47.7629, - 121.993362);  
 Peoples Creek (47.797003,  
 - 121.969785); Snoqualmie River  
 (47.640786, - 121.927225); South Fork  
 Tolt River (47.692382, - 121.690691);  
 Stossel Creek (47.760057,  
 - 121.854479); Tolt River (47.639682,  
 - 121.925064); Tuck Creek (47.760138,  
 - 122.029513); Unnamed (47.66549,  
 - 121.969734); Unnamed (47.688103,  
 - 121.841747); Unnamed (47.697681,  
 - 121.877351); Unnamed (47.699359,  
 - 121.72867); Unnamed (47.711538,  
 - 121.835344); Unnamed (47.718309,  
 - 121.778212); Unnamed (47.719516,  
 - 121.683676); Unnamed (47.721128,  
 - 121.842676); Unnamed (47.721491,  
 - 121.711688); Unnamed (47.72187,  
 - 121.872933); Unnamed (47.639628,  
 - 121.916512); Unnamed (47.644835,  
 - 121.876373); Unnamed (47.652724,  
 - 121.927754); Unnamed (47.653832,  
 - 121.900784); Unnamed (47.663562,  
 - 121.912794); Unnamed (47.666377,  
 - 121.921884); Unnamed (47.66645,  
 - 121.968042); Unnamed (47.671854,  
 - 121.944823); Unnamed (47.6722,  
 - 121.934103); Unnamed (47.672893,  
 - 121.963119); Unnamed (47.673234,  
 - 121.906003); Unnamed (47.68202,  
 - 121.984816); Unnamed (47.683549,  
 - 121.985897); Unnamed (47.685397,  
 - 121.98674); Unnamed (47.688482,  
 - 121.942011); Unnamed (47.691215,  
 - 121.959693); Unnamed (47.691787,  
 - 121.975697); Unnamed (47.694662,  
 - 121.994754); Unnamed (47.701955,  
 - 121.998995); Unnamed (47.704253,  
 - 122.001792); Unnamed (47.709025,  
 - 122.004767); Unnamed (47.709854,  
 - 121.98468); Unnamed (47.716945,  
 - 122.001237); Unnamed (47.721749,  
 - 121.989604); Unnamed (47.722623,  
 - 121.987303); Unnamed (47.723963,  
 - 121.996696); Unnamed (47.726844,  
 - 121.989954); Unnamed (47.733263,  
 - 122.010612); Unnamed (47.733962,  
 - 121.989698); Unnamed (47.734647,  
 - 122.013111); Unnamed (47.736303,  
 - 122.013677); Unnamed (47.736874,  
 - 121.98844); Unnamed (47.741838,  
 - 122.009593); Unnamed (47.744396,  
 - 121.949708); Unnamed (47.745593,  
 - 121.952919); Unnamed (47.745918,  
 - 121.954099); Unnamed (47.747444,  
 - 122.005028); Unnamed (47.747524,  
 - 121.957434); Unnamed (47.747678,  
 - 121.996583); Unnamed (47.74965,  
 - 121.977289); Unnamed (47.750208,  
 - 121.96435); Unnamed (47.750524,  
 - 121.965961); Unnamed (47.75188,  
 - 121.927084); Unnamed (47.752108,  
 - 121.969501); Unnamed (47.752268,  
 - 122.004156); Unnamed (47.75256,  
 - 121.964546); Unnamed (47.752757,  
 - 121.969499); Unnamed (47.752947,  
 - 121.957481); Unnamed (47.753339,  
 - 121.969357); Unnamed (47.754942,  
 - 121.97775); Unnamed (47.756436,  
 - 122.004367); Unnamed (47.758452,  
 - 122.002775); Unnamed (47.761886,  
 - 122.000354); Unnamed (47.762689,  
 - 121.991876); Unnamed (47.762853,  
 - 121.977877); Unnamed (47.767489,  
 - 122.000623); Unnamed (47.775507,  
 - 121.995614); Unnamed (47.775755,  
 - 121.99995); Unnamed (47.776255,  
 - 121.999798); Unnamed (47.779073,  
 - 121.991757); Unnamed (47.782249,  
 - 121.966177); Unnamed (47.788539,  
 - 122.000183); Unnamed (47.797789,  
 - 121.978354); Unnamed (47.801619,  
 - 121.981418); Unnamed (47.815259,  
 - 121.976869); Unnamed (47.815443,  
 - 121.99813); Unnamed (47.818865,  
 - 122.005592).  
 (9) Snohomish Subbasin 17110011—  
 (i) *Pilchuck River Watershed  
 1711001101*. Outlet(s) = French Creek  
 (Lat 47.888547, Long - 122.087439);  
 Pilchuck River (47.900972,  
 - 122.092133); upstream to endpoint(s)  
 in: Boulder Creek (48.024989,  
 - 121.811255); Catherine Creek  
 (48.033209, - 122.077074); Dubuque  
 Creek (47.996688, - 122.010406);  
 French Creek (47.898794,  
 - 122.057083); Kelly Creek (48.035392,  
 - 121.830635); Little Pilchuck Creek  
 (48.112494, - 122.060843); Miller Creek  
 (47.996242, - 121.781617); Pilchuck  
 River (47.991273, - 121.736285); Purdy  
 Creek (48.008866, - 121.892703);  
 Worthy Creek (48.060661,  
 - 121.889486); Scott Creek (47.94956,  
 - 122.05759); Unnamed (47.946107,  
 - 122.078197); Unnamed (47.981529,  
 - 122.022251); Unnamed (48.014987,  
 - 122.065111); Unnamed (48.050521,  
 - 121.960436); Unnamed (48.052319,  
 - 121.873027); Unnamed (48.056823,  
 - 121.920701); Unnamed (47.893981,  
 - 122.064909); Unnamed (47.90029,  
 - 122.055264); Unnamed (47.900781,  
 - 122.071709); Unnamed (47.902216,  
 - 122.060278); Unnamed (47.909758,  
 - 122.055179); Unnamed (47.91308,  
 - 122.079588); Unnamed (47.91411,  
 - 122.073471); Unnamed (47.930159,  
 - 122.045611); Unnamed (47.970802,  
 - 122.07904); Wilson Creek (48.007178,  
 - 121.772124).  
 (ii) *Snohomish River Watershed  
 1711001102*. Outlet(s) = Quilceda Creek  
 (48.045077, - 122.207633); Snohomish  
 River (48.020024, - 122.199952);  
 Steamboat Slough (48.035252,  
 - 122.187716); Union Slough  
 (48.033026, - 122.187941); Unnamed  
 (48.042687, - 122.203304); upstream to  
 endpoint(s) in: Allen Creek (48.060189,  
 - 122.155845); Anderson Creek  
 (47.823494, - 122.063169); Batt Slough  
 (47.893752, - 122.101932); Burri Creek  
 (47.996254, - 122.12825); Ebey Slough  
 (47.942077, - 122.172019); Elliott Creek  
 (47.832096, - 122.058076); Evans Creek  
 (47.837998, - 122.084366); French  
 Creek (47.905702, - 122.006538); Lake

- Beecher (47.853003, – 122.08659); Larimer Creek (47.889935, – 122.141659); Quilceda Creek (48.126701, – 122.136538); Snohomish River (47.845642, – 122.066164); Swan Trail Slough (47.924299, – 122.144247); Thomas Creek (47.885779, – 122.133759); Unnamed (47.89605, – 122.024132); Unnamed (47.874632, – 122.06789); Unnamed (47.878911, – 122.062819); Unnamed (47.883214, – 122.075259); Unnamed (47.883685, – 122.064291); Unnamed (47.977505, – 122.164439); Unnamed (47.989661, – 122.153303); Unnamed (47.989986, – 122.157628); Unnamed (47.992902, – 122.153788); Unnamed (47.994226, – 122.155257); Unnamed (47.999821, – 122.157617); Unnamed (47.999833, – 122.154307); Unnamed (48.000441, – 122.160006); Unnamed (48.131795, – 122.131717); Unnamed (47.826251, – 122.063007); Unnamed (47.839617, – 122.088583); Unnamed (47.842605, – 122.060737); Unnamed (47.842773, – 122.09302); Unnamed (47.845642, – 122.066164); Unnamed (47.845758, – 122.092344); Unnamed (47.846844, – 122.064563); Unnamed (47.851113, – 122.010167); Unnamed (47.852079, – 122.018572); Unnamed (47.861172, – 122.029372); Unnamed (47.864352, – 122.091793); Unnamed (47.868184, – 122.033887); Unnamed (47.868667, – 122.071745); Unnamed (47.871627, – 122.007148); Unnamed (47.872067, – 122.012574); Unnamed (47.872807, – 122.007458); Unnamed (47.872892, – 122.020313); Unnamed (47.873683, – 122.02625); Unnamed (47.873838, – 122.023394); Unnamed (47.873972, – 122.020824); Unnamed (47.873974, – 122.018382); Unnamed (47.874621, – 122.033932); Unnamed (47.87602, – 122.018838); Unnamed (47.876587, – 122.038858); Unnamed (47.877086, – 122.10383); Unnamed (47.878155, – 122.093306); Unnamed (47.878365, – 122.047458); Unnamed (47.879616, – 122.121293); Unnamed (47.880169, – 122.120704); Unnamed (47.880744, – 122.124328); Unnamed (47.880801, – 122.115079); Unnamed (47.881683, – 122.018106); Unnamed (47.882464, – 122.049811); Unnamed (47.88295, – 122.036805); Unnamed (47.883214, – 122.128361); Unnamed (47.887449, – 122.136266); Unnamed (47.887628, – 122.115244); Unnamed (47.889292, – 122.138508); Unnamed (47.889733, – 122.139749); Unnamed (47.889949, – 122.045002); Unnamed (47.891627, – 122.052284); Unnamed (47.893918, – 122.1473); Unnamed (47.893921, – 122.15179); Unnamed (47.900751, – 122.162699); Unnamed (47.901957, – 122.165281); Unnamed (47.903224, – 122.152517); Unnamed (47.905749, – 122.171392); Unnamed (47.906952, – 122.1713); Unnamed (47.909784, – 122.174177); Unnamed (47.917745, – 122.179549); Unnamed (47.91785, – 122.170724); Unnamed (47.917965, – 122.176424); Unnamed (47.918881, – 122.166131); Unnamed (47.919953, – 122.159256); Unnamed (47.920163, – 122.112239); Unnamed (47.922557, – 122.152328); Unnamed (47.926219, – 122.164369); Unnamed (47.927044, – 122.187844); Unnamed (47.927115, – 122.181581); Unnamed (47.928771, – 122.182785); Unnamed (47.929155, – 122.1575); Unnamed (47.9292, – 122.16225); Unnamed (47.931447, – 122.155867); Unnamed (47.935459, – 122.190942); Unnamed (47.935975, – 122.19135); Unnamed (47.936814, – 122.170221); Unnamed (47.939084, – 122.174422); Unnamed (47.939185, – 122.192305); Unnamed (47.939694, – 122.150153); Unnamed (47.940939, – 122.155435); Unnamed (47.940947, – 122.157858); Unnamed (47.94244, – 122.157373); Unnamed (47.942726, – 122.17536); Unnamed (47.945442, – 122.192582); Unnamed (47.94649, – 122.146106); Unnamed (47.946592, – 122.146917); Unnamed (47.947975, – 122.179796); Unnamed (47.949211, – 122.139884); Unnamed (47.949321, – 122.159191); Unnamed (47.949477, – 122.132724); Unnamed (47.949525, – 122.141519); Unnamed (47.954551, – 122.127872); Unnamed (47.954673, – 122.126737); Unnamed (47.954755, – 122.131233); Unnamed (47.955528, – 122.131243); Unnamed (47.956927, – 122.19563); Unnamed (47.959917, – 122.126245); Unnamed (47.960424, – 122.126126); Unnamed (47.960595, – 122.12673); Unnamed (47.961773, – 122.130148); Unnamed (47.99053, – 122.133921); Unnamed (48.001732, – 122.129584); Unnamed (48.035728, – 122.158051); Unnamed (48.038525, – 122.160828); Unnamed (48.039738, – 122.153565); Unnamed (48.041372, – 122.151583); Unnamed (48.042963, – 122.150051); Unnamed (48.044102, – 122.147735); Unnamed (48.047591, – 122.150945); Unnamed (48.048094, – 122.159389); Weiser Creek (48.004603, – 122.127993); West Fork Quilceda Creek (48.114329, – 122.192036); Wood Creek (47.925014, – 122.184669); Wood Creek (47.946568, – 122.177043).
- (10) Lake Washington 17110012—(i) Cedar River 1711001201. Outlet(s) = Cedar River (Lat 47.500458, Long – 122.215889); upstream to endpoint(s) in: Cedar River (47.419017, – 121.781807); Hotel Creek (47.412859, – 121.910189); Madsen Creek (47.454959, – 122.139271); Molasses Creek (47.458236, – 122.160236); North Rock Creek (47.398935, – 121.906887); Peterson Creek (47.421385, – 122.071428); Rock Creek (47.361425, – 121.989528); Seventeen Creek (47.392916, – 121.820937); Steele Creek (47.41485, – 121.820204); Taylor Creek (47.371712, – 121.827216); Webster Creek (47.415607, – 121.919722); Williams Creek (47.406308, – 121.859432); Unnamed (47.412034, – 122.005441); Unnamed (47.397644, – 122.015869); Walsh Lake Diversion Ditch (47.388412, – 121.983268).
- (ii) [Reserved]
- (11) Duwamish Subbasin 17110013—(i) Upper Green River Watershed 1711001301. Outlet(s) = Green River (Lat 47.147332, Long – 121.337530); Smay Creek (47.22558, – 121.608029); upstream to endpoint(s) in: Friday Creek (47.220272, – 121.457068); Green Canyon (47.224794, – 121.573207); Intake Creek (47.205494, – 121.400407); Lester Creek (47.201505, – 121.478166); McCain Creek (47.209121, – 121.530424); Sawmill Creek (47.169396, – 121.450398); Smay Creek (47.262876, – 121.571182); Snow Creek (47.267186, – 121.414); Rock Creek (47.178042, – 121.519565); Twin Camp (47.172731, – 121.380409); West Creek (47.261865, – 121.413235); West Fork Smay Creek (47.274569, – 121.606566); Wolf Creek (47.21422, – 121.581762); Sunday Creek (47.258566, – 121.367101); Tacoma Creek (47.187342, – 121.364175).
- (ii) Middle Green River Watershed 1711001302. Outlet(s) = Green River (Lat 47.288124, Long – 121.97032); upstream to endpoint(s) in: Bear Creek (47.277192, – 121.800206); Boundary Creek (47.274726, – 121.71933); Charley Creek (47.245104, – 121.789334); Cougar Creek (47.243692, – 121.645414); Eagle Creek (47.304949, – 121.723086); Gale Creek (47.263433, – 121.700312); Green River (47.222773, – 121.608297); North Fork Green River (47.284327, – 121.665707); Piling Creek (47.281819, – 121.756524); Smay Creek (47.22558, – 121.608029); Sylvester Creek (47.245565, – 121.654863).
- (iii) Lower Green River Watershed 1711001303. Outlet(s) = Duwamish Waterway (Lat 47.583483, Long – 122.359684); Unnamed (47.588989, – 122.34426); upstream to endpoint(s) in: Big Soos Creek (47.372078, – 122.144432); Black River (47.417508, – 122.185115); Burns Creek (47.289464, – 122.075333); Crisp Creek (47.294623, – 122.055513); Cristy Creek (47.27092, – 122.017489); Green River (47.288124, – 121.97032); Jenkins Creek (47.37728, – 122.080576); Little Soos Creek (47.378342, – 122.106081); Mill Creek (47.303262, – 122.272491); Newaukum Creek (47.225659, – 121.906874);

Ravensdale Creek (47.33485, – 122.02312); Rock Creek (47.310539, – 122.024859); Stonequarry Creek (47.244084, – 121.932273); Unnamed (47.220884, – 122.023242); Unnamed (47.220892, – 122.016139); Unnamed (47.234075, – 121.931801); Unnamed (47.325011, – 122.200079); Unnamed (47.335135, – 122.154992); Unnamed (47.353478, – 122.258274); Unnamed (47.360321, – 122.225589); Unnamed (47.374183, – 122.103011); Unnamed (47.389595, – 122.225993).

(12) Puyallup Subbasin 17110014—(i) *Upper White River Watershed 1711001401*. Outlet(s) = Greenwater River (Lat 47.158517, Long – 121.659041); White River (47.158251, – 121.659559); upstream to endpoint(s) in: George Creek (47.099306, – 121.472868); Greenwater River (47.091025, – 121.456044); Huckleberry Creek (47.053496, – 121.616046); Pyramid Creek (47.113047, – 121.455762); Twentyeight Mile Creek (47.060856, – 121.511537); Unnamed (47.051445, – 121.71716); Unnamed (47.12065, – 121.554216); Unnamed (47.134311, – 121.583518); West Fork White River (47.047717, – 121.692719); Whistle Creek (47.118448, – 121.489277); White River (47.01416, – 121.529457); Wrong Creek (47.043096, – 121.699618).

(ii) *Lower White River Watershed 1711001402*. Outlet(s) = White River (Lat 47.200025, Long – 122.255912); upstream to endpoint(s) in: Boise Creek (47.195608, – 121.947967); Camp Creek (47.147051, – 121.703951); Canyon Creek (47.13331, – 121.862029); Clearwater River (47.084983, – 121.783524); Greenwater River (47.158517, – 121.659041); Scatter Creek (47.162429, – 121.87438); Unnamed (47.222955, – 122.097188); Unnamed (47.229087, – 122.07162); Unnamed (47.233808, – 122.109926); Unnamed (47.245631, – 122.058795); Unnamed (47.247135, – 122.22738); Unnamed (47.25371, – 122.264826); Unnamed (47.261283, – 122.13136); Unnamed (47.268104, – 122.25123); Unnamed (47.238173, – 122.223415); White River (47.158251, – 121.659559).

(iii) *Carbon River Watershed 1711001403*. Outlet(s) = Carbon River (Lat 47.123651, Long – 122.229222); upstream to endpoint(s) in: Carbon River (46.993075, – 121.926834); Coplar Creek (47.072996, – 122.167682); Gale Creek (47.086262, – 122.015047); Page Creek (47.12503, – 122.009401); South Fork South Prairie Creek (47.099283, – 121.954505); Unnamed (47.096464, – 122.141219); Unnamed (47.097218, – 122.145432); Unnamed (47.141246, – 122.058699); Voight Creek

(47.077134, – 122.131266); Wilkeson Creek (47.089113, – 122.011371).

(iv) *Upper Puyallup River Watershed 1711001404*. Outlet(s) = Carbon River (Lat 47.130578, Long – 122.232672); Puyallup River (47.130572, – 122.232719); upstream to endpoint(s) in: Carbon River (47.123651, – 122.229222); Fox Creek (47.012694, – 122.183844); Kellogg Creek (46.913785, – 122.083644); Le Dout Creek (46.935374, – 122.054579); Niesson Creek (46.88451, – 122.032222); Ohop Creek (46.941896, – 122.222784); Puyallup River (46.904305, – 122.03511); Unnamed (46.901022, – 122.053271); Unnamed (46.915301, – 122.08532); Unnamed (47.033738, – 122.183585); Unnamed (47.072524, – 122.217752); Unnamed (47.077709, – 122.21324).

(v) *Lower Puyallup River Watershed 1711001405*. Outlet(s) = Hylebos Creek (Lat 47.260936, Long – 122.360296); Puyallup River (47.262018, – 122.419738); Wapato Creek (47.254142, – 122.376043); upstream to endpoint(s) in: Canyonfalls Creek (47.141497, – 122.220946); Carbon River (47.130578, – 122.232672); Clarks Creek (47.175558, – 122.318004); Clarks Creek (47.214046, – 122.341441); Fennel Creek (47.149294, – 122.186141); Hylebos Creek (47.268092, – 122.304897); Puyallup River (47.130572, – 122.232719); Simons Creek (47.223614, – 122.306576); Swam Creek (47.198605, – 122.392952); Unnamed (47.192643, – 122.338319); Unnamed (47.212642, – 122.362772); Unnamed (47.284933, – 122.328406); West Hylebos Creek (47.28045, – 122.319677); White River (47.200025, – 122.255912).

(13) Nisqually Subbasin 17110015—(i) *Mashel/Ohop Watershed 1711001502*. Outlet(s) = Lackamas Creek (Lat 46.8589, Long – 122.488209); Nisqually River (46.864078, – 122.478318); Tobolton Creek (46.863143, – 122.480177); upstream to endpoint(s) in: Beaver Creek (46.858889, – 122.187968); Busy Wild Creek (46.797885, – 122.041534); Little Mashel River (46.850176, – 122.27362); Lynch Creek (46.879792, – 122.275113); Mashel River (46.84805, – 122.104803); Nisqually River (46.823001, – 122.30402); Ohop Valley Creek (46.924846, – 122.260991); Powell Creek (46.84388, – 122.436634); Tanwax Creek (46.941782, – 122.280108); Tobolton Creek (46.823649, – 122.48512); Twentyfive Mile Creek (46.924778, – 122.259359); Unnamed (46.832309, – 122.528978); Unnamed (46.907314, – 122.261798).

(ii) *Lowland Watershed 1711001503*. Outlet(s) = Mcallister Creek (Lat

47.086256, Long – 122.72842); Nisqually River (47.098476, – 122.698813); Red Salmon Creek (47.096419, – 122.687018); upstream to endpoint(s) in: Horn Creek (46.917907, – 122.464722); Lacamas Creek (46.974424, – 122.477971); Lacamas Creek (47.008577, – 122.53729); Lackamas Creek (46.8589, – 122.488209); Mcallister Creek (47.029715, – 122.724885); Muck Creek (47.024063, – 122.333195); Murray Creek (46.978923, – 122.494325); Nisqually River (46.864078, – 122.478318); Red Salmon Creek (47.083089, – 122.678869); South Creek (46.985228, – 122.287693); Thompson Creek (46.953803, – 122.63521); Tobolton Creek (46.863143, – 122.480177); Unnamed (46.88276, – 122.481929); Unnamed (46.92337, – 122.522371); Unnamed (46.999957, – 122.652251); Unnamed (47.034211, – 122.674166); Unnamed (47.03749, – 122.735619); Unnamed (47.083824, – 122.682663); Yelm Creek (46.947774, – 122.606162).

(14) Deschutes 17110016—(i) *Deschutes River-Lake Lawrence 1711001601*. Outlet(s) = Deschutes River (Lat 46.858414, – 122.703615); upstream to endpoint(s) in: Deschutes River (46.803719, – 122.41723); Fall Creek (46.801851, – 122.508518); Hull Creek (46.815628, – 122.551688); Johnson Creek (46.771083, – 122.424056); Mitchell Creek (46.764822, – 122.520257); Pipeline Creek (46.815019, – 122.557139); Thurston Creek (46.787177, – 122.426181); Unnamed (46.776798, – 122.456757); Unnamed (46.821012, – 122.552051); Unnamed (46.825293, – 122.597406).

(ii) *Deschutes River-Capitol Lake 1711001602*. Outlet(s) = Deschutes River (Lat 47.043613, Long – 122.909102); upstream to endpoint(s) in: Deschutes River (46.858414, – 122.703615); Unnamed (46.883422, – 122.791346); Unnamed (46.885585, – 122.765692); Unnamed (46.900133, – 122.761883); Unnamed (46.920776, – 122.814054).

(15) Skokomish Subbasin 17110017—(i) *Skokomish River Watershed 1711001701*. Outlet(s) = Skokomish River (Lat 47.354102, Long – 123.113454); Unnamed (47.346915, – 123.1288); upstream to endpoint(s) in: Aristine Creek (47.339036, – 123.330797); Brown Creek (47.426884, – 123.273846); Cedar Creek (47.438747, – 123.412558); Church Creek (47.460295, – 123.455165); Fir Creek (47.336146, – 123.302908); Frigid Creek (47.378231, – 123.241695); Gibbons Creek (47.401886, – 123.237898); Harp Creek (47.403646, – 123.307961); Kirkland Creek

(47.31996, – 123.290062); Le Bar Creek (47.42431, – 123.321985); Mctaggart Creek (47.415308, – 123.249773); Mussel Shell Creek (47.299392, – 123.154163); North Fork Skokomish River (47.398124, – 123.201673); Pine Creek (47.443201, – 123.429394); Purdy Canyon (47.30192, – 123.181551); Purdy Creek (47.304446, – 123.188829); South Fork Skokomish River (47.490355, – 123.460444); Unnamed (47.307518, – 123.202431); Unnamed (47.309215, – 123.151179); Unnamed (47.312777, – 123.250097); Unnamed (47.314724, – 123.179082); Unnamed (47.315244, – 123.177395); Unnamed (47.317283, – 123.233949); Unnamed (47.318056, – 123.168869); Unnamed (47.319036, – 123.198978); Unnamed (47.320262, – 123.233188); Unnamed (47.321111, – 123.168254); Unnamed (47.32192, – 123.307559); Unnamed (47.32264, – 123.166947); Unnamed (47.324298, – 123.166032); Unnamed (47.32618, – 123.165265); Unnamed (47.327954, – 123.1645); Unnamed (47.340589, – 123.229732); Vance Creek (47.363339, – 123.37747); Weaver Creek (47.309516, – 123.23971).

(ii) [Reserved]

(16) Hood Canal Subbasin 17110018—(i) *Lower West Hood Canal Frontal Watershed 1711001802*. Outlet(s) = Eagle Creek (Lat 47.484737, Long – 123.077896); Finch Creek (47.406474, – 123.13894); Fulton Creek (47.618077, – 122.974895); Jorsted Creek (47.526147, – 123.050128); Lilliwaup Creek (47.468701, – 123.114852); Unnamed (47.457462, – 123.112951); Unnamed (47.570832, – 123.01278); upstream to endpoint(s) in: Eagle Creek (47.499033, – 123.100927); Finch Creek (47.406575, – 123.145463); Fulton Creek (47.628033, – 122.985435); Jorsted Creek (47.52439, – 123.066123); Lilliwaup Creek (47.470625, – 123.116282); Unnamed (47.459167, – 123.133047); Unnamed (47.57275, – 123.020786).

(ii) *Hamma Hamma River Watershed 1711001803*. Outlet(s) = Hamma Hamma River (Lat 47.546939, Long – 123.045218); upstream to endpoint(s) in: Hamma Hamma River (47.560258, – 123.066043); North Fork John Creek (47.545766, – 123.072377); South Fork John Creek (47.541154, – 123.07576).

(iii) *Duckabush River Watershed 1711001804*. Outlet(s) = Duckabush River (Lat 47.650063, Long – 122.936017); Unnamed (47.651985, – 122.935914); upstream to endpoint(s) in: Duckabush River (47.683876, – 123.069991); Unnamed (47.656559, – 122.939617); Unnamed (47.658797, – 122.946881); Unnamed (47.664171, – 122.958939); Unnamed (47.665164, – 122.971688).

(iv) *Dosewallips River Watershed 1711001805*. Outlet(s) = Dosewallips River (Lat 47.687868, Long – 122.895799); upstream to endpoint(s) in: Dosewallips River (47.728734, – 123.112328); Gamm Creek (47.740548, – 123.064117); Rocky Brook (47.720965, – 122.941729); Unnamed (47.703663, – 122.942585); Unnamed (47.718461, – 123.001437).

(v) *Big Quilcene River Watershed 1711001806*. Outlet(s) = Big Quilcene River (Lat 47.818629, Long – 122.861797); upstream to endpoint(s) in: Big Quilcene River (47.81031, – 122.91278); Unnamed (47.844904, – 122.934513).

(vi) *Upper West Hood Canal Frontal Watershed 1711001807*. Outlet(s) = Donovan Creek (Lat 47.827622, Long – 122.858429); Indian George Creek (47.807881, – 122.869227); Little Quilcene River (47.826459, – 122.862109); Spencer Creek (47.745578, – 122.875483); Tarboo Creek (47.860282, – 122.813536); Thorndyke Creek (47.816713, – 122.739675); Unnamed (47.69516, – 122.807343); Unnamed (47.742597, – 122.767326); Unnamed (47.780439, – 122.865654); Unnamed (47.803054, – 122.748043); Unnamed (47.809788, – 122.791892); Unnamed (47.827807, – 122.696476); Unnamed (47.870429, – 122.693831); upstream to endpoint(s) in: Donovan Creek (47.852344, – 122.859015); Indian George Creek (47.806041, – 122.872191); Leland Creek (47.87993, – 122.878552); Little Quilcene River (47.87162, – 122.920887); Spencer Creek (47.757649, – 122.895277); Tarboo Creek (47.917525, – 122.825126); Unnamed (47.700468, – 122.804836); Unnamed (47.745248, – 122.772127); Unnamed (47.780486, – 122.870015); Unnamed (47.817369, – 122.763825); Unnamed (47.826301, – 122.786512); Unnamed (47.845809, – 122.709645); Unnamed (47.847797, – 122.878694); Unnamed (47.857542, – 122.837721); Unnamed (47.86785, – 122.773687); Unnamed (47.871141, – 122.795142); Unnamed (47.886493, – 122.830585); Unnamed (47.888336, – 122.801101); Unnamed (47.889882, – 122.698239).

(vii) *West Kitsap Watershed 1711001808*. Outlet(s) = Anderson Creek (Lat 47.566784, Long – 122.967625); Anderson Creek (47.665387, – 122.757767); Big Beef Creek (47.651916, – 122.783607); Boyce Creek (47.609223, – 122.915305); Dewatto River (47.45363, – 123.048642); Mission Creek (47.430736, – 122.872828); Seabeck Creek (47.63558, – 122.834296); Stavis Creek (47.625046, – 122.872893); Tahuya River (47.376565, – 123.038419); Union River

(47.44818, – 122.838076); Unnamed (47.453546, – 123.048616); Unnamed (47.585137, – 122.945064); Unnamed (47.826269, – 122.56367); upstream to endpoint(s) in: Anderson Creek (47.660179, – 122.756351); Bear Creek (47.498732, – 122.811755); Big Beef Creek (47.589887, – 122.846319); Boyce Creek (47.609187, – 122.914277); Mission Creek (47.499061, – 122.850487); Seabeck Creek (47.623835, – 122.838375); Stavis Creek (47.605496, – 122.872936); Tin Mine Creek (47.577069, – 122.829158); Union River (47.527109, – 122.785967); Unnamed (47.416887, – 122.999502); Unnamed (47.43499, – 123.053793); Unnamed (47.438227, – 123.043285); Unnamed (47.451055, – 123.016346); Unnamed (47.451077, – 122.914789); Unnamed (47.454548, – 122.986648); Unnamed (47.457926, – 122.82675); Unnamed (47.459434, – 122.841199); Unnamed (47.461807, – 122.986012); Unnamed (47.464136, – 122.996728); Unnamed (47.471436, – 123.026462); Unnamed (47.472953, – 122.853144); Unnamed (47.473856, – 122.98827); Unnamed (47.496903, – 122.832756); Unnamed (47.499811, – 122.959843); Unnamed (47.513538, – 122.976821); Unnamed (47.518086, – 122.944624); Unnamed (47.533867, – 122.966128); Unnamed (47.556351, – 122.93869); Unnamed (47.578134, – 122.831814); Unnamed (47.578146, – 122.944137); Unnamed (47.617962, – 122.881294); Unnamed (47.823731, – 122.557569).

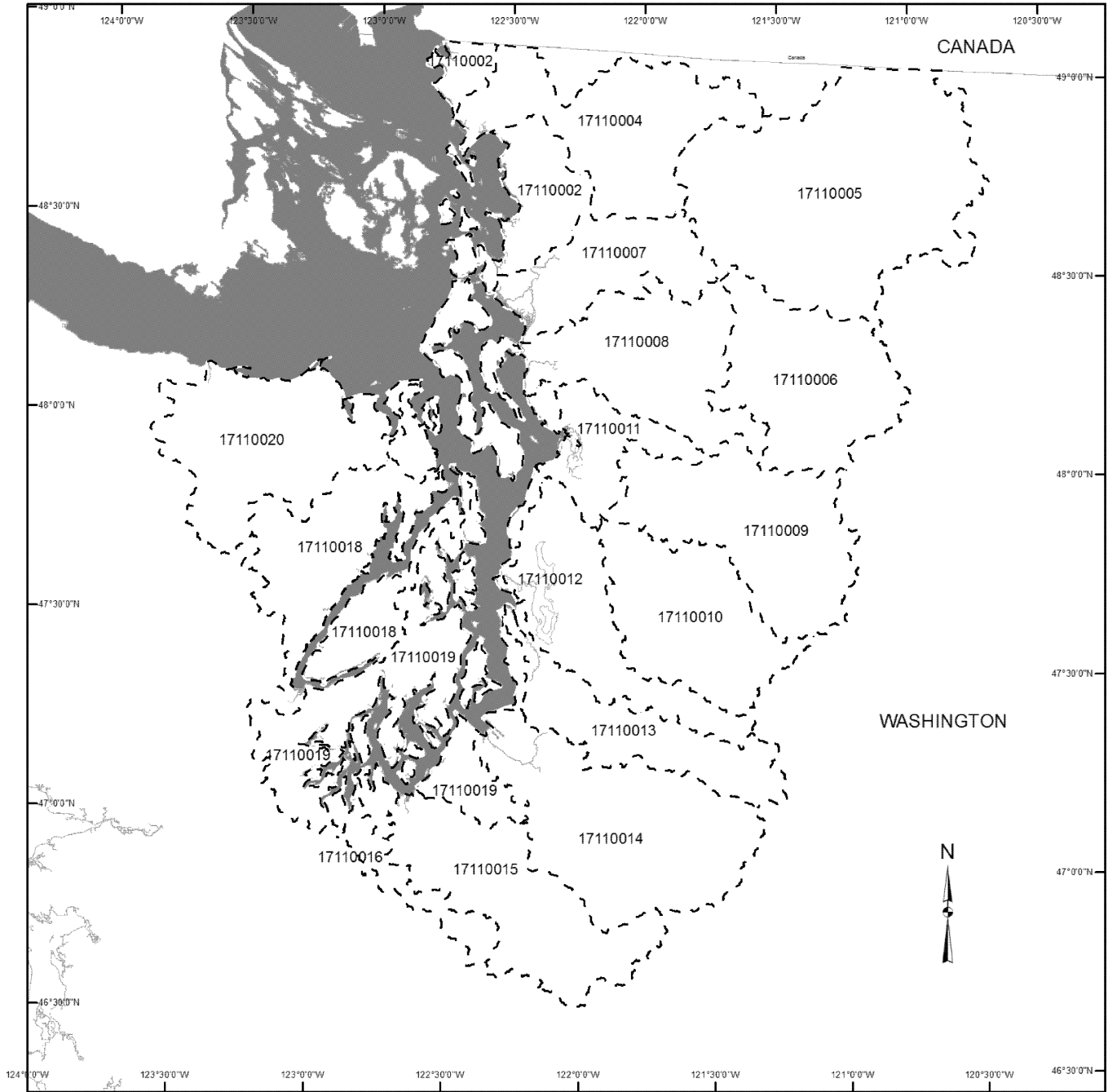
(17) Kitsap Subbasin 17110019—(i) *Kennedy/Goldsborough Watershed 1711001900*. Outlet(s) = Campbell Creek (Lat 47.222039, Long – 123.025109); Cranberry Creek (47.262433, – 123.015892); Deer Creek (47.259411, – 123.009378); Goldsborough Creek (47.209541, – 123.09519); Kennedy Creek (47.096767, – 123.085708); Johns Creek (47.246105, – 123.042959); Lynch Creek (47.152742, – 123.052635); Malaney Creek (47.25142, – 123.0197); Mill Creek (47.195478, – 122.996269); Perry Creek (47.04923, – 123.005168); Schneider Creek (47.091599, – 123.075637); Shelton Creek (47.213868, – 123.095177); Sherwood Creek (47.375171, – 122.835464); Skookum Creek (47.127879, – 123.088396); Uncle John Creek (47.223441, – 123.028998); Unnamed (47.138813, – 123.076426); Unnamed (47.348035, – 123.073581); Unnamed (47.406636, – 122.887438); Unnamed (47.43145, – 122.848454); Unnamed (47.378832, – 122.974308); Unnamed (47.382516, – 122.948722); upstream to endpoint(s) in: Campbell Creek (47.226397, – 122.997893); Cranberry Creek (47.283615, – 123.111755); Deer

- Creek (47.327279, - 122.911546); Gosnell Creek (47.132634, - 123.208108); Johns Creek (47.252177, - 123.129051); Kamilche Creek (47.109481, - 123.120016); Kennedy Creek (47.079184, - 123.126612); Lynch Creek (47.16124, - 123.063246); Malaney Creek (47.248952, - 123.011342); North Fork Goldsborough Creek (47.226417, - 123.221454); Perry Creek (47.053893, - 123.021482); Rock Creek (47.173241, - 123.200765); Schneider Creek (47.071686, - 123.056453); Shelton Creek (47.22776, - 123.11259); Shumocher Creek (47.31782, - 122.992107); South Fork Goldsborough Creek (47.186447, - 123.252006); Uncle John Creek (47.230245, - 123.028211); Unnamed (47.081522, - 123.102753); Unnamed (47.097705, - 123.216015); Unnamed (47.100105, - 123.216045); Unnamed (47.1455, - 123.081178); Unnamed (47.149979, - 123.116498); Unnamed (47.154715, - 123.122654); Unnamed (47.182813, - 123.154821); Unnamed (47.183317, - 122.993257); Unnamed (47.187858, - 123.166457); Unnamed (47.209485, - 123.249564); Unnamed (47.223587, - 122.981336); Unnamed (47.225845, - 123.243846); Unnamed (47.226397, - 122.997893); Unnamed (47.25604, - 123.060758); Unnamed (47.293868, - 123.03765); Unnamed (47.322265, - 122.993083); Unnamed (47.345989, - 123.087997); Unnamed (47.361619, - 122.901294); Unnamed (47.36676, - 122.866433); Unnamed (47.37043, - 122.975612); Unnamed (47.378331, - 122.84611); Unnamed (47.37179, - 122.957923); Unnamed (47.385117, - 122.898154); Unnamed (47.41665, - 122.847985).
- (ii) *Puget Sound 1711001901*. Outlet(s) = Anderson Creek (Lat 47.527851, Long - 122.683072); Barker Creek (47.637847, - 122.670114); Blackjack Creek (47.542244, - 122.627229); Burley Creek (47.412304, - 122.631424); Chico Creek (47.602679, - 122.705419); Clear Creek (47.652349, - 122.68632); Coulter Creek (47.406361, - 122.819291); Crescent Valley (47.345209, - 122.583101); Crouch Creek (47.652147, - 122.62956); Curley Creek (47.523499, - 122.546087); Gorst Creek (47.527855, - 122.697881); Illahe Creek (- 122.595950, 47.610235); McCormick Creek (47.371692, - 122.624236); Minter Creek (47.371035, - 122.702469); North Creek (47.337484, - 122.592533); Olalla Creek (47.425398, - 122.551857); Purdy Creek (47.387232, - 122.626582); Rocky Creek (47.371062, - 122.78137); Unnamed (47.538696, - 122.65636); Unnamed (47.645936, - 122.69393); Unnamed (47.712429, - 122.613727); Unnamed (47.717886, - 122.656445); Unnamed (47.750936, - 122.649151); Unnamed (47.770208, - 122.559178); Unnamed (47.794724, - 122.512034); upstream to endpoint(s) in: Anderson Creek (47.505029, - 122.69725); Barker Creek (47.647598, - 122.658222); Blackjack Creek (47.477097, - 122.648962); Burley Creek (47.477671, - 122.616862); Clear Creek (47.685465, - 122.684758); Coulter Creek (47.44497, - 122.768147); Crescent Valley (47.387661, - 122.573475); Crouch Creek (47.652949, - 122.636766); Curley Creek (47.470853, - 122.591807); Dickerson Creek (47.574216, - 122.730548); Gorst Creek (47.517739, - 122.743902); Heins Creek (47.532474, - 122.719281); Huge Creek (47.416967, - 122.697785); Illahe Creek (- 122.610219, 47.608727); Kitsap Creek (47.565562, - 122.705833); Lost Creek (47.580058, - 122.772143); McCormick Creek (47.360692, - 122.616179); Minter Creek (47.417427, - 122.68133); North Creek (47.345176, - 122.602062); Olalla Creek (47.458804, - 122.575015); Parish Creek (47.525007, - 122.715043); Purdy Creek (47.424097, - 122.601949); Rocky Creek (47.406815, - 122.784426); Salmonberry Creek (47.521201, - 122.583691); Unnamed (47.375417, - 122.764465); Unnamed (47.407431, - 122.816273); Unnamed (47.458461, - 122.654176); Unnamed (47.461146, - 122.658942); Unnamed (47.508334, - 122.678469); Unnamed (47.647488, - 122.631401); Unnamed (47.652615, - 122.705727); Unnamed (47.655222, - 122.70488); Unnamed (47.656966, - 122.63518); Unnamed (47.669431, - 122.688117); Unnamed (47.717933, - 122.672648); Unnamed (47.718897, - 122.613062); Unnamed (47.760942, - 122.618495); Unnamed (47.763767, - 122.637787); Unnamed (47.809222, - 122.537334); Unnamed (47.80967, - 122.532478); Unnamed (47.583852, - 122.799196); Unnamed (47.386707, - 122.68788); Unnamed (47.772157, - 122.560033); Unnamed (47.772641, - 122.555341); Unnamed (47.796516, - 122.513062); Unnamed (47.689613, - 122.537011); Wildcat Creek (47.601646, - 122.774958).
- (iii) *Woodland Creek-McLane Creek Frontal 1711001902*. Outlet(s) = McLane Creek (Lat 47.03475, Long - 122.990395); Unnamed (47.095699, - 122.94549); Woodard Creek (47.120914, - 122.861775); Woodland Creek (47.092725, - 122.823614); upstream to endpoint(s) in: McLane Creek (47.001481, - 123.009329); Swift Creek (47.031622, - 123.008267); Unnamed (47.028842, - 122.985445); Unnamed (47.060468, - 122.964496); Unnamed (47.071776, - 122.827649); Woodard Creek (47.040784, - 122.853709); Woodland Creek (47.034018, - 122.781534); (iv) *Puget Sound-East Passage 1711001904*. Outlet(s) = Christensen Creek (Lat 47.403038, Long - 122.51902); Judd Creek (47.402315, - 122.467989); Lunds Gulch (47.859951, - 122.334873); Shingle Mill Creek (47.480286, - 122.482557); Unnamed (47.646085, - 122.567546); Unnamed (47.694552, - 122.536480); upstream to endpoint(s) in: Judd Creek (47.416852, - 122.47661); Lunds Gulch (47.859132, - 122.327183); Shingle Mill Creek (47.467927, - 122.474433); Unnamed (47.40206, - 122.512865); Unnamed (47.641478, - 122.566998); Unnamed (47.689613, - 122.537011).
- (v) *Chambers Creek 1711001906*. Outlet(s) = Chambers Creek (Lat 47.186966, Long - 122.583739); upstream to endpoint(s) in: Chambers Creek (47.155756, - 122.527739); Clover Creek (47.136455, - 122.433679); Clover Creek (47.155756, - 122.527739); Flett Creek (47.179364, - 122.497762); Leach Creek (47.209364, - 122.512372); Ponce De Leon Creek (47.162148, - 122.52888).
- (vi) *Port Ludlow Creek-Chimacum Creek 1711001908*. Outlet(s) = Chimacum Creek (Lat 48.050532, Long - 122.784429); Unnamed (47.917613, - 122.703872); upstream to endpoint(s) in: Unnamed (47.918337, - 122.709325); Unnamed (47.927687, - 122.805588); Unnamed (47.947673, - 122.850871); Unnamed (47.954906, - 122.7614); Unnamed (47.986329, - 122.80519).
- (18) *Dungeness-Elwha Subbasin 17110020*—(i) *Discovery Bay Watershed 1711002001*. Outlet(s) = Contractors Creek (Lat 48.04559, Long - 122.874989); Salmon Creek (47.989306, - 122.889155); Snow Creek (47.989848, - 122.88472); upstream to endpoint(s) in: Andrews Creek (47.916408, - 122.900812); Contractors Creek (48.041198, - 122.879974); Salmon Creek (47.968169, - 122.963869); Snow Creek (47.935356, - 122.943211).
- (ii) *Sequim Bay Watershed 1711002002*. Outlet(s) = Bell Creek (Lat 48.083191, Long - 123.052803); Jimmycomelately Creek (48.023348, - 123.005179); Johnson Creek (48.062731, - 123.040899); Unnamed (48.028495, - 122.996498); upstream to endpoint(s) in: Bell Creek (48.062921, - 123.103118); Jimmycomelately Creek (47.991106, - 123.012853); Johnson Creek (48.054282, - 123.060541); Unnamed (47.98473, - 123.004078);

- Unnamed (48.028602, - 122.994476); Unnamed (48.077698, - 123.085489).  
 (iii) *Dungeness River Watershed 1711002003*. Outlet(s) = Cassalery Creek (Lat 48.134645, Long - 123.096671); Dungeness River (48.150413, - 123.132404); Gierin Creek (48.115086, - 123.060063); Unnamed (48.137866, - 123.101098); Unnamed (48.153473, - 123.12799); upstream to endpoint(s) in: Bear Creek (48.05479, - 123.159906); Canyon Creek (48.022505, - 123.141514); Cassalery Creek (48.105307, - 123.121002); Dungeness River (47.938446, - 123.089756); Gierin Creek (48.091597, - 123.095521); Gold Creek (47.941297, - 123.086086); Gray Wolf River (47.916035, - 123.242895); Matriotti Creek (48.068168, - 123.193047); Unnamed (48.065991, - 123.17376); Unnamed (48.06625, - 123.169857); Unnamed (48.068168, - 123.193047); Unnamed (48.068308, - 123.193024); Unnamed (48.090644, - 123.191398); Unnamed (48.106277, - 123.076132); Unnamed (48.107219, - 123.187879); Unnamed (48.112875, - 123.160292); Unnamed (48.116253, - 123.157937); Unnamed (48.116481, - 123.141572); Unnamed (48.118304, - 123.078321); Unnamed (48.124002, - 123.143503); Unnamed (48.127704, - 123.111613); Unnamed (48.12912, - 123.148566); Unnamed (48.130335, - 123.127456).  
 (iv) *Port Angeles Harbor Watershed 1711002004*. Outlet(s) = Bagley Creek (Lat 48.114035, Long - 123.340599); Dry Creek (48.134316, - 123.520821); Ennis Creek (48.117472, - 123.405373); Lees Creek (48.114686, - 123.388339); McDonald Creek (48.125382, - 123.220649); Morse Creek (48.117713, - 123.351674); Siebert Creek (48.120481, - 123.289579); Tumwater Creek (48.124386, - 123.445396); Valley Creek (48.122912, - 123.437893); upstream to endpoint(s) in: Bagley Creek (48.057013, - 123.319844); Dry Creek (48.123255, - 123.520058); East Fork Lees Creek (48.075209, - 123.37549); East Fork Siebert Creek (48.02011, - 123.287767); Ennis Creek (48.052991, - 123.411534); Lees Creek (48.078066, - 123.394993); McDonald Creek (48.017887, - 123.232576); Morse Creek (48.061048, - 123.349345); Pederson Creek (48.026991, - 123.253803); Tumwater Creek (48.092665, - 123.4702); Unnamed (48.0143, - 123.260326); Unnamed (48.030295, - 123.301668); Valley Creek (48.106808, - 123.451781); West Fork Siebert Creek (48.000634, - 123.304205).  
 (v) *Elwha River Watershed 1711002007*. Outlet(s) = Elwha River (Lat 48.146456, Long - 123.568438); upstream to endpoint(s) in: Elwha River (47.742466, - 123.54088); Unnamed (48.13353, - 123.557816); Unnamed (48.143336, - 123.555008); Indian Creek (48.07806, - 123.725186); Little River (48.05994, - 123.520805).  
 (19) Maps of proposed critical habitat for the Puget Sound steelhead DPS follow:

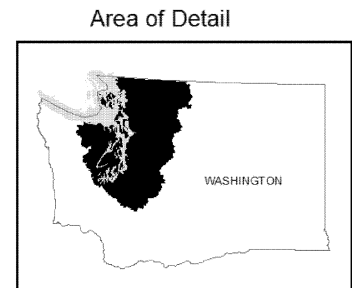
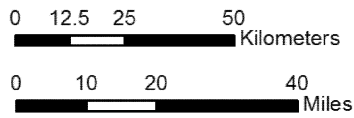


### Map of the Puget Sound Steelhead DPS



**Legend**

- State Boundaries
- Subbasin Boundaries



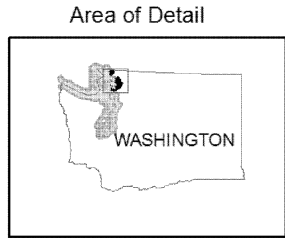
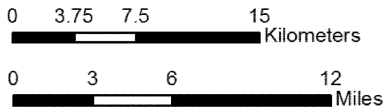
### Final Critical Habitat for the Puget Sound Steelhead DPS

### Strait Of Georgia Subbasin 17110002



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 ○ Watershed Boundary  
 - - - Subbasin Boundary

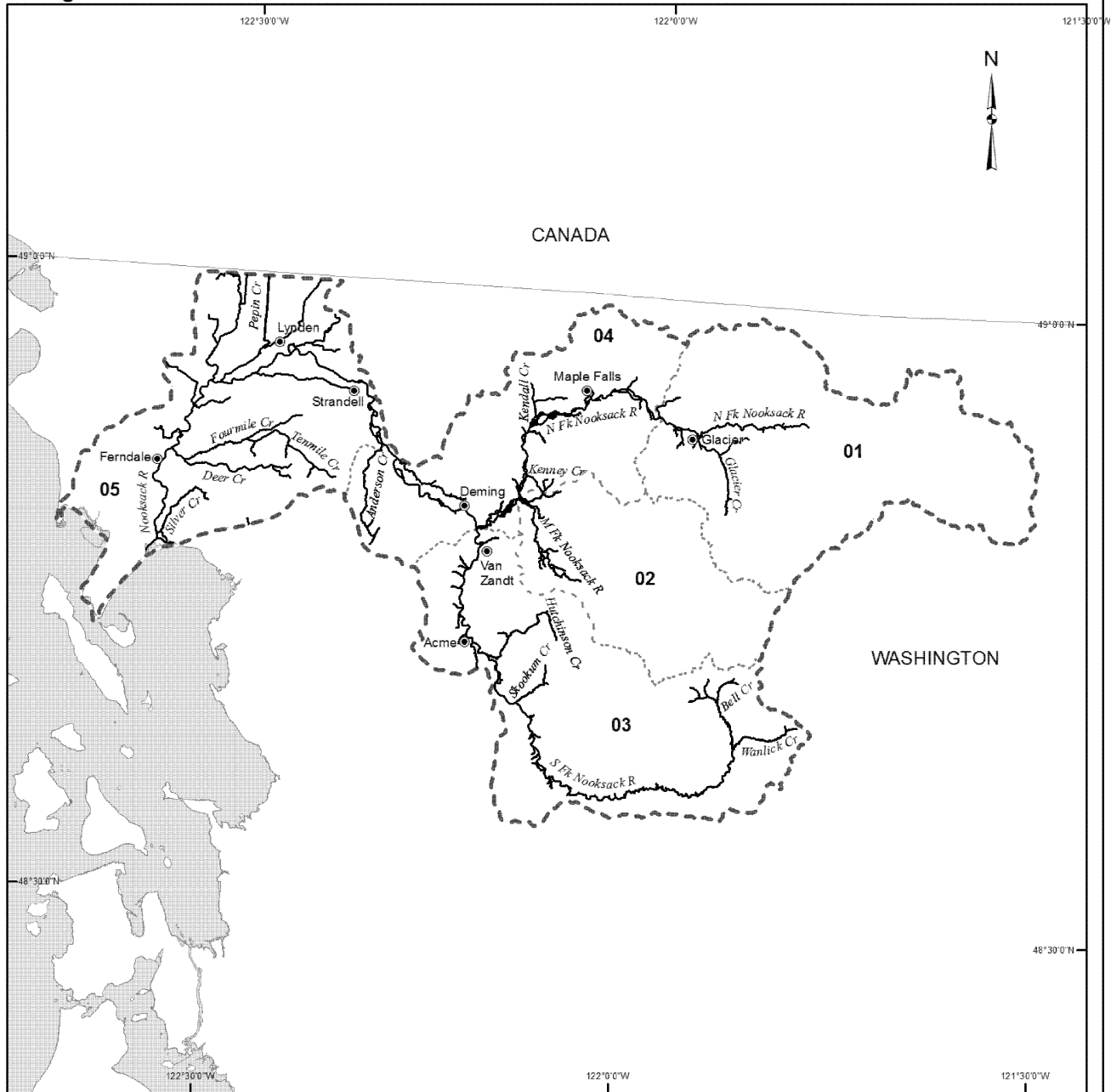
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110002, watershed = 1711000201)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Nooksack Subbasin  
17110004**



● Cities  
 □ State Boundaries  
 ~~~~~ Critical Habitat  
 - - - - - Watershed Boundary  
 - - - - - Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110004, watershed = 1711000401)

**Area of Detail**

WASHINGTON

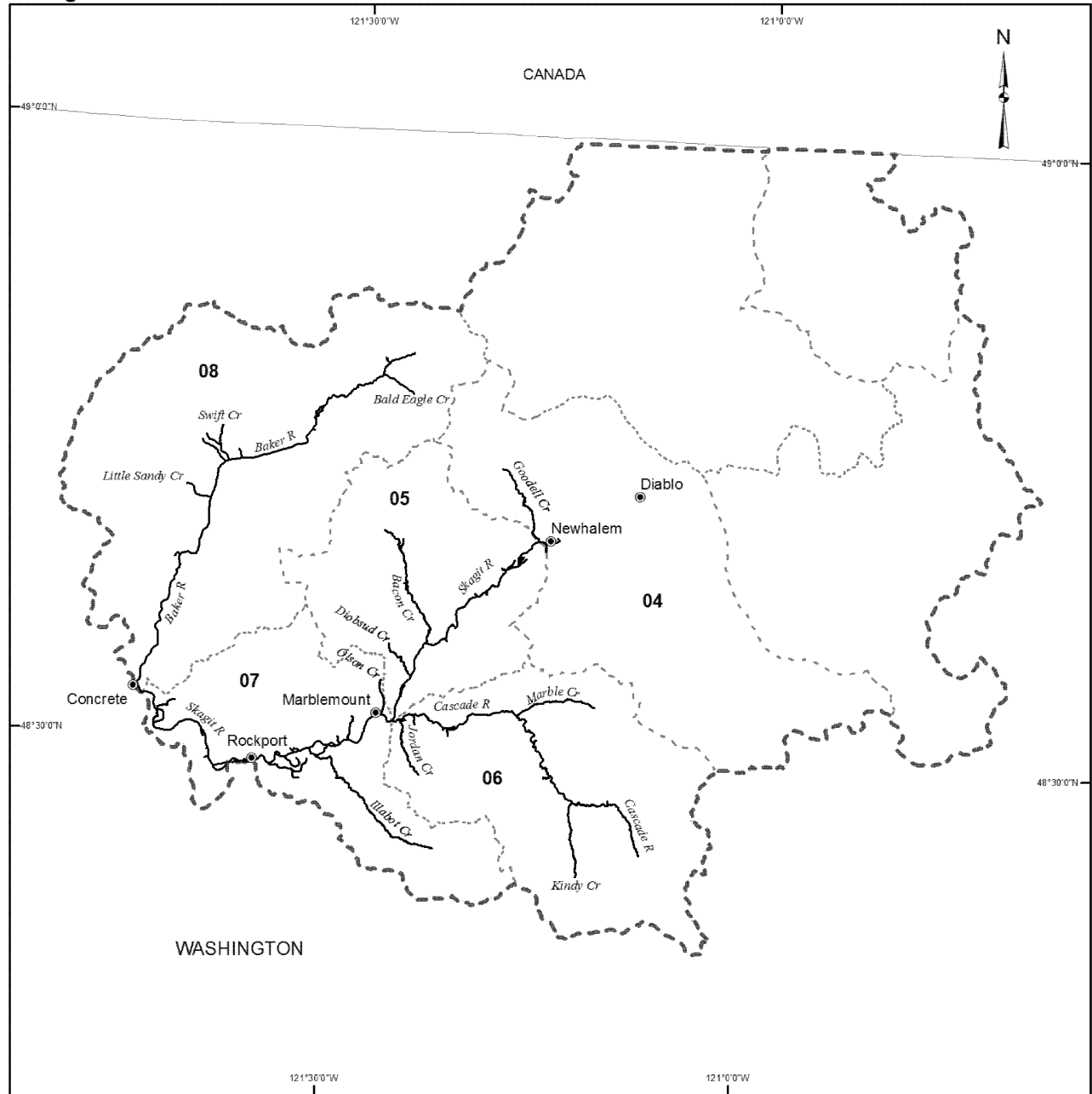
0 4.5 9 18 Kilometers

0 3.75 7.5 15 Miles

This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

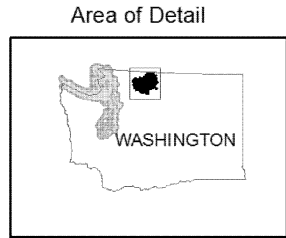
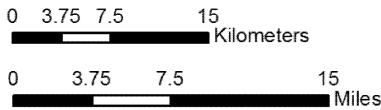
**Final Critical Habitat for the Puget Sound Steelhead DPS**

**Upper Skagit Subbasin 17110005**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 ○ Watershed Boundary  
 ○ Subbasin Boundary

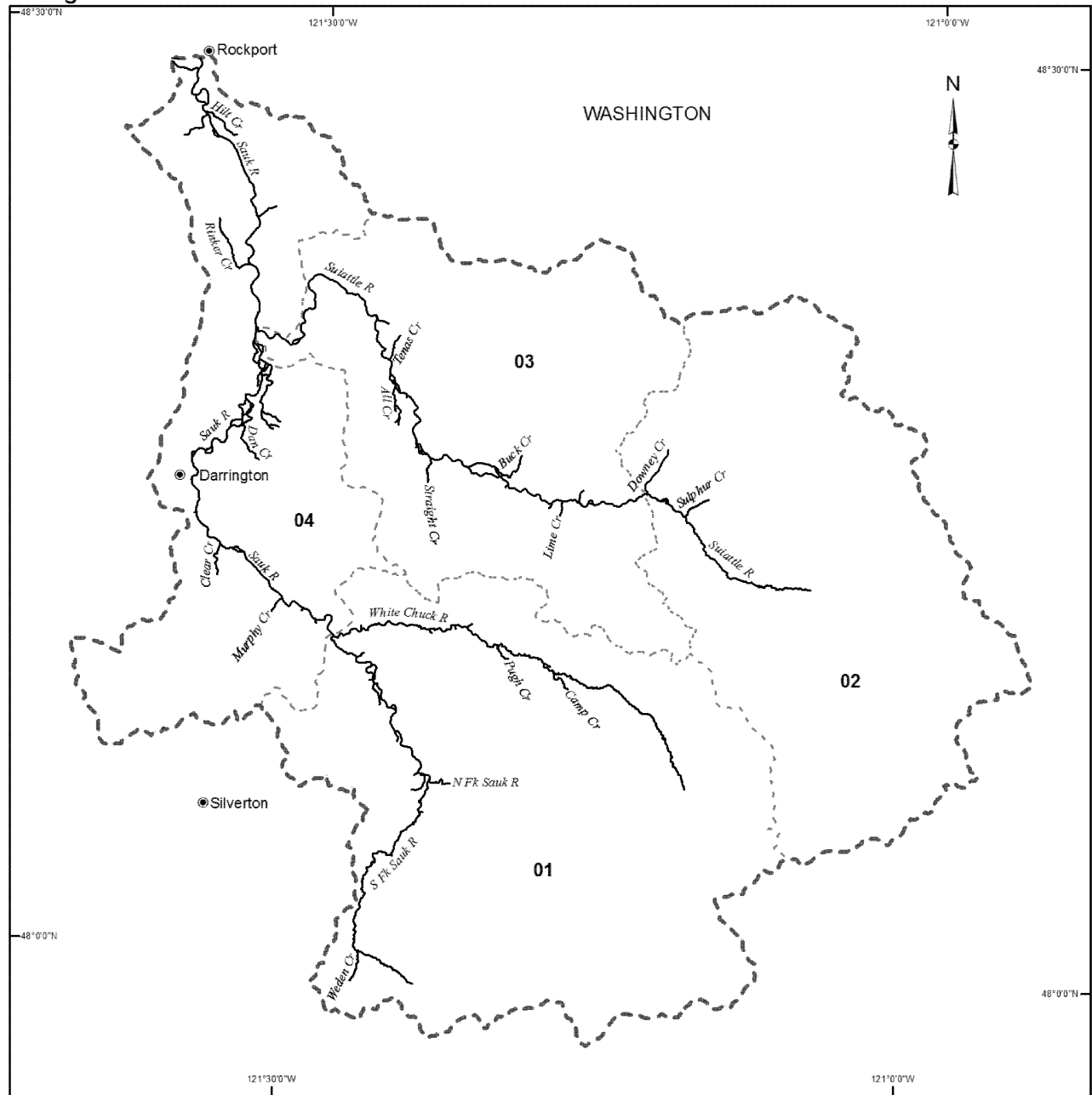
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110005, watershed = 1711000501)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

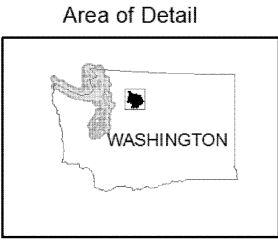
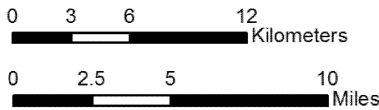
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Sauk Subbasin  
17110006**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 - - - Watershed Boundary  
 - - - Subbasin Boundary

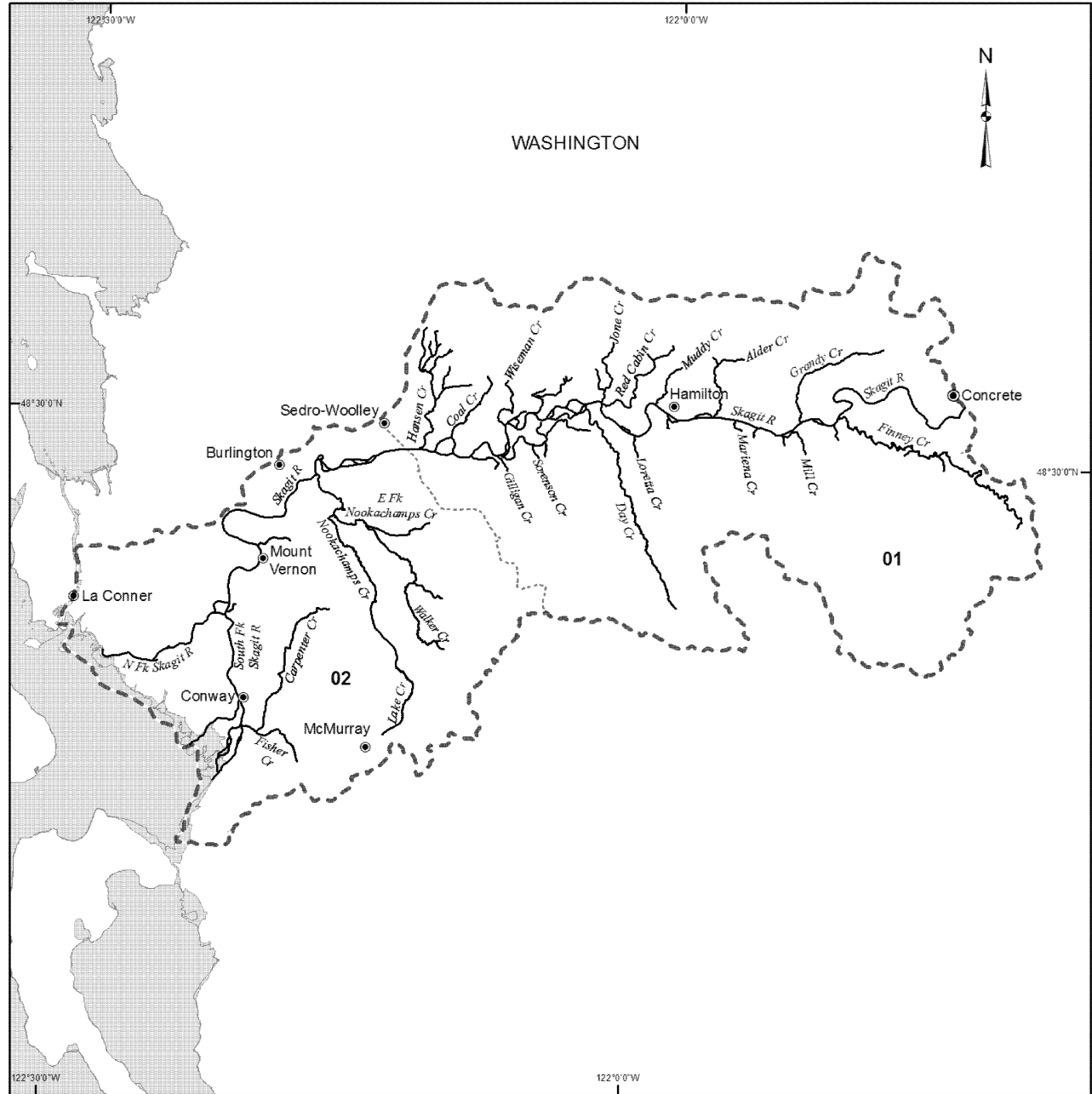
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110006, watershed = 1711000601)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

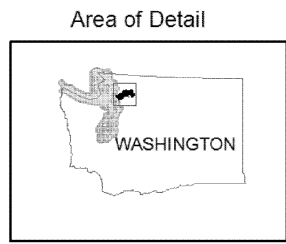
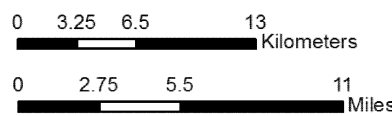
**Final Critical Habitat for the Puget Sound Steelhead DPS**

**Lower Skagit Subbasin 17110007**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 ··· Watershed Boundary  
 - - - Subbasin Boundary

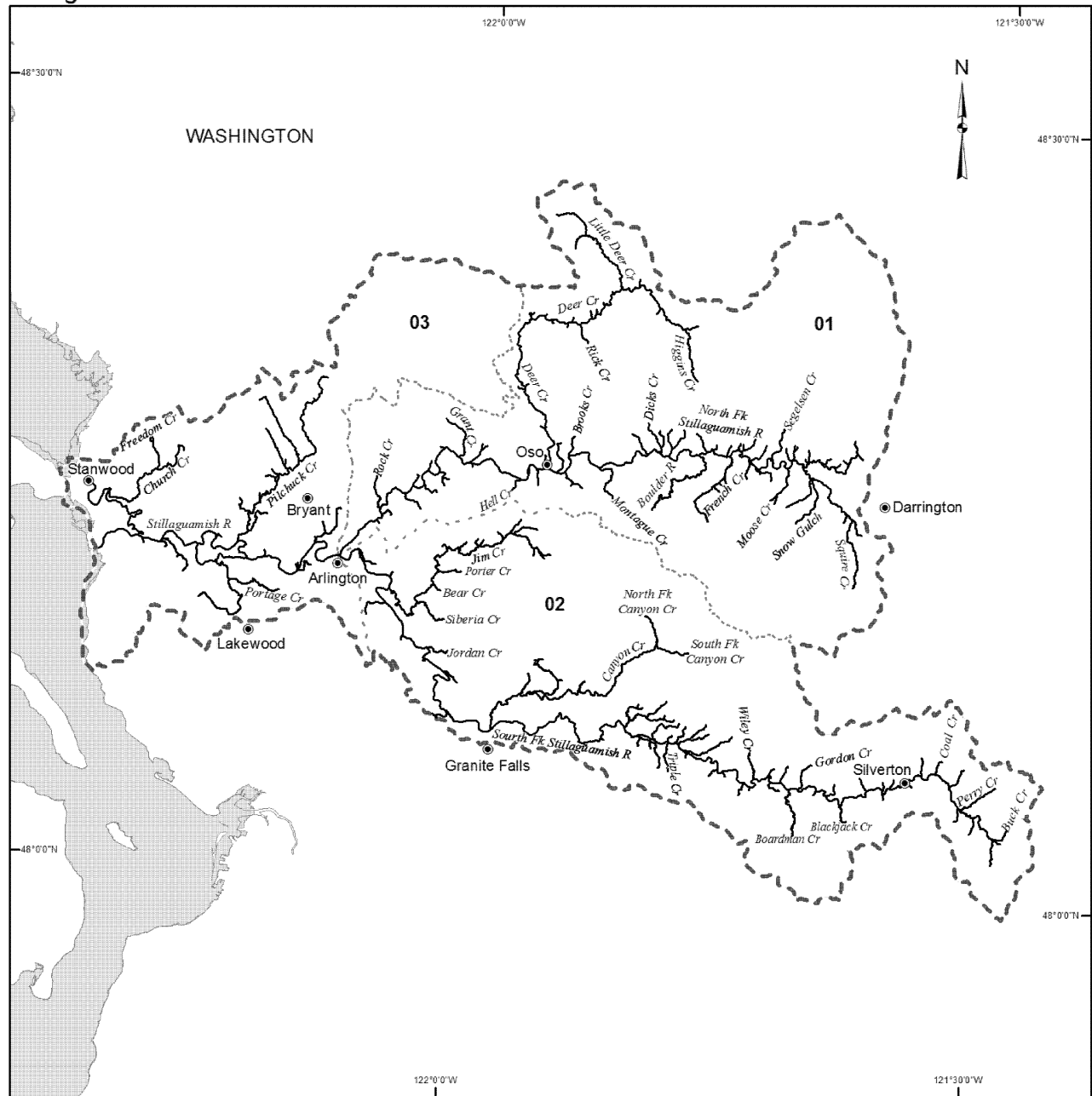
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110007, watershed = 1711000701)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

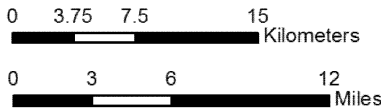
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Stillaguamish Subbasin  
17110008**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 - - - Watershed Boundary  
 - - - Subbasin Boundary

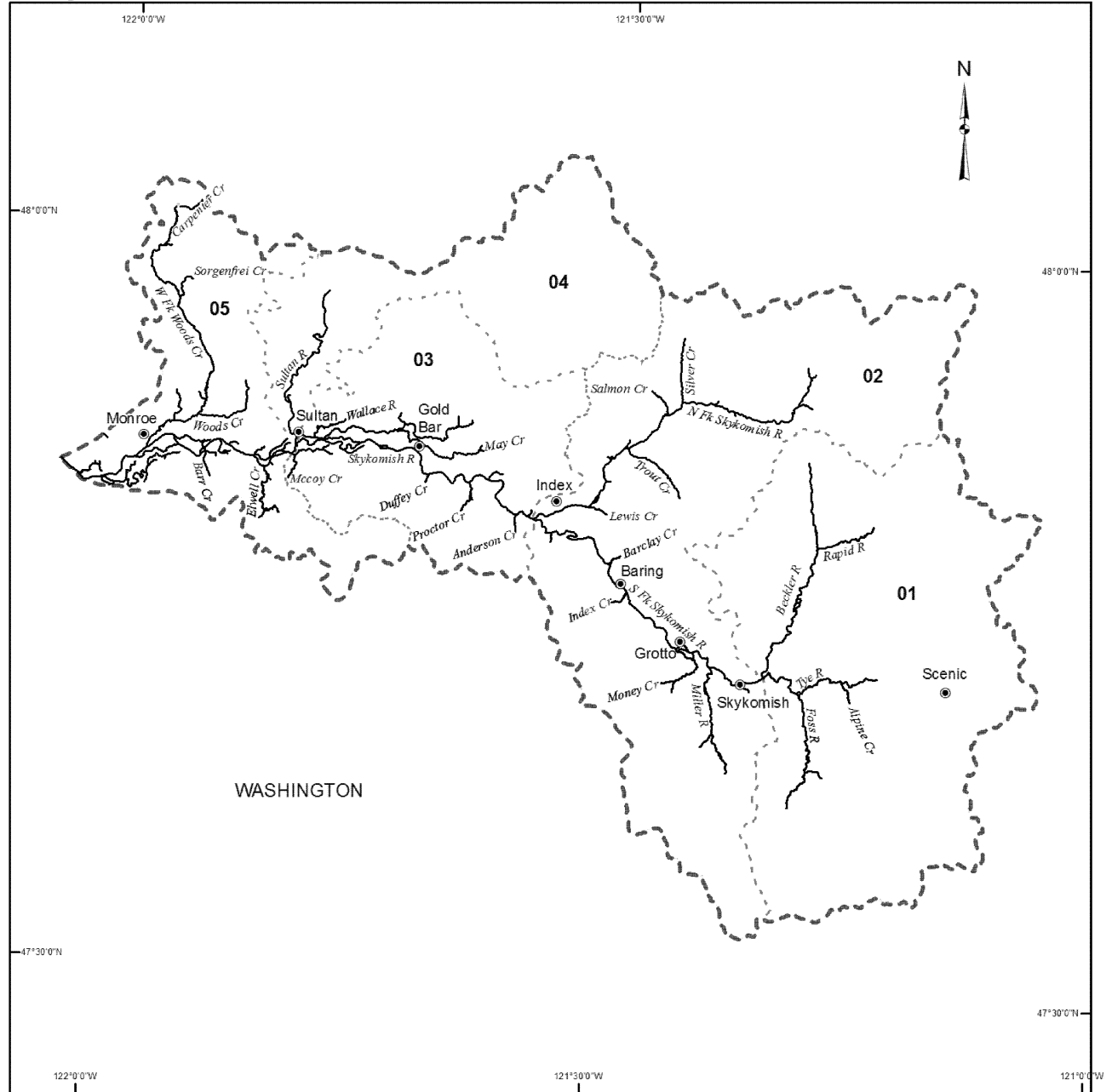
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110008, watershed = 1711000801)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

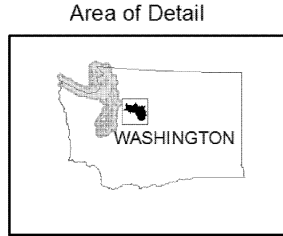
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Skykomish Subbasin  
17110009**



● Cities  
 □ State Boundaries  
 ~~~~~ Critical Habitat  
 - - - - - Watershed Boundary  
 - - - - - Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110009, watershed = 1711000901)

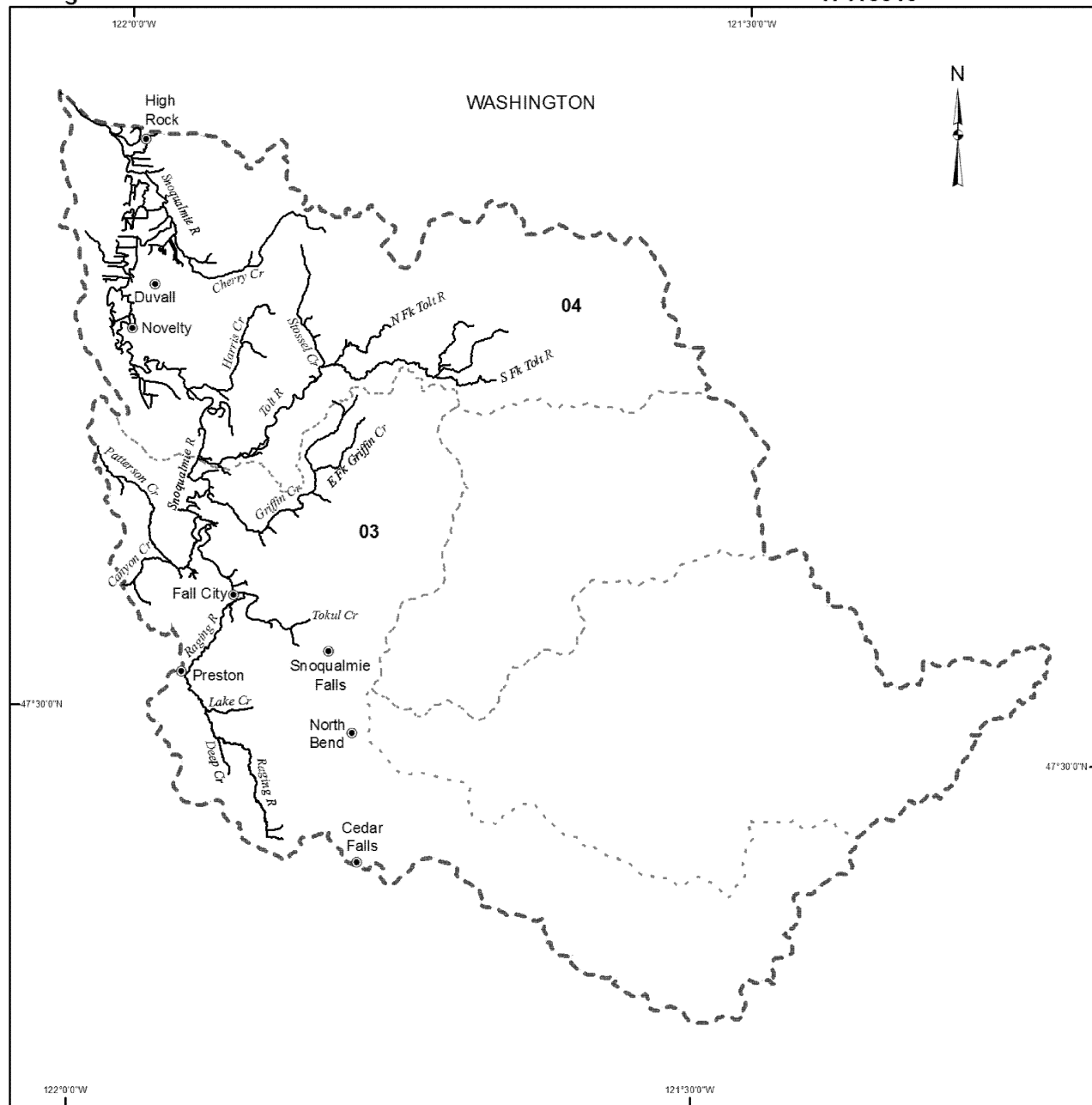


This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.



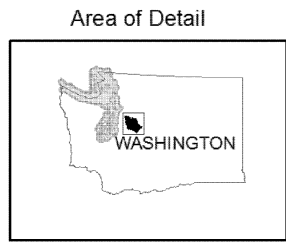
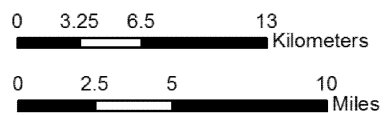
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Snoqualmie Subbasin  
17110010**



● Cities  
 □ State Boundaries  
 ~~~~~ Critical Habitat  
 - - - - - Watershed Boundary  
 - - - - - Subbasin Boundary

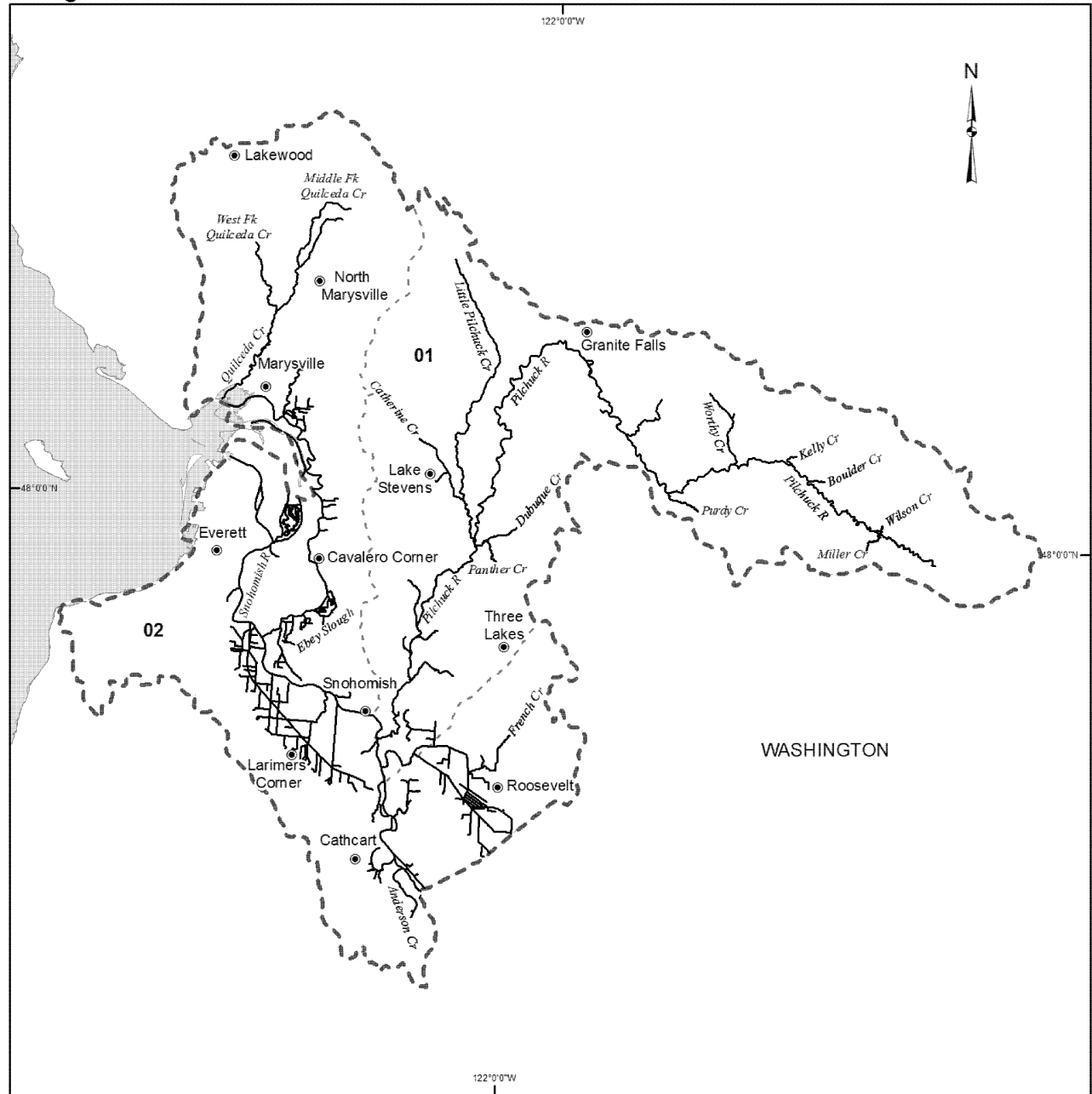
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110010, watershed = 1711001001)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

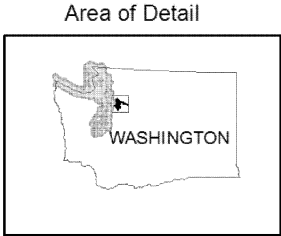
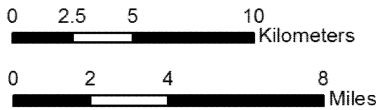
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Snohomish Subbasin  
17110011**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- ⊞ Subbasin Boundary

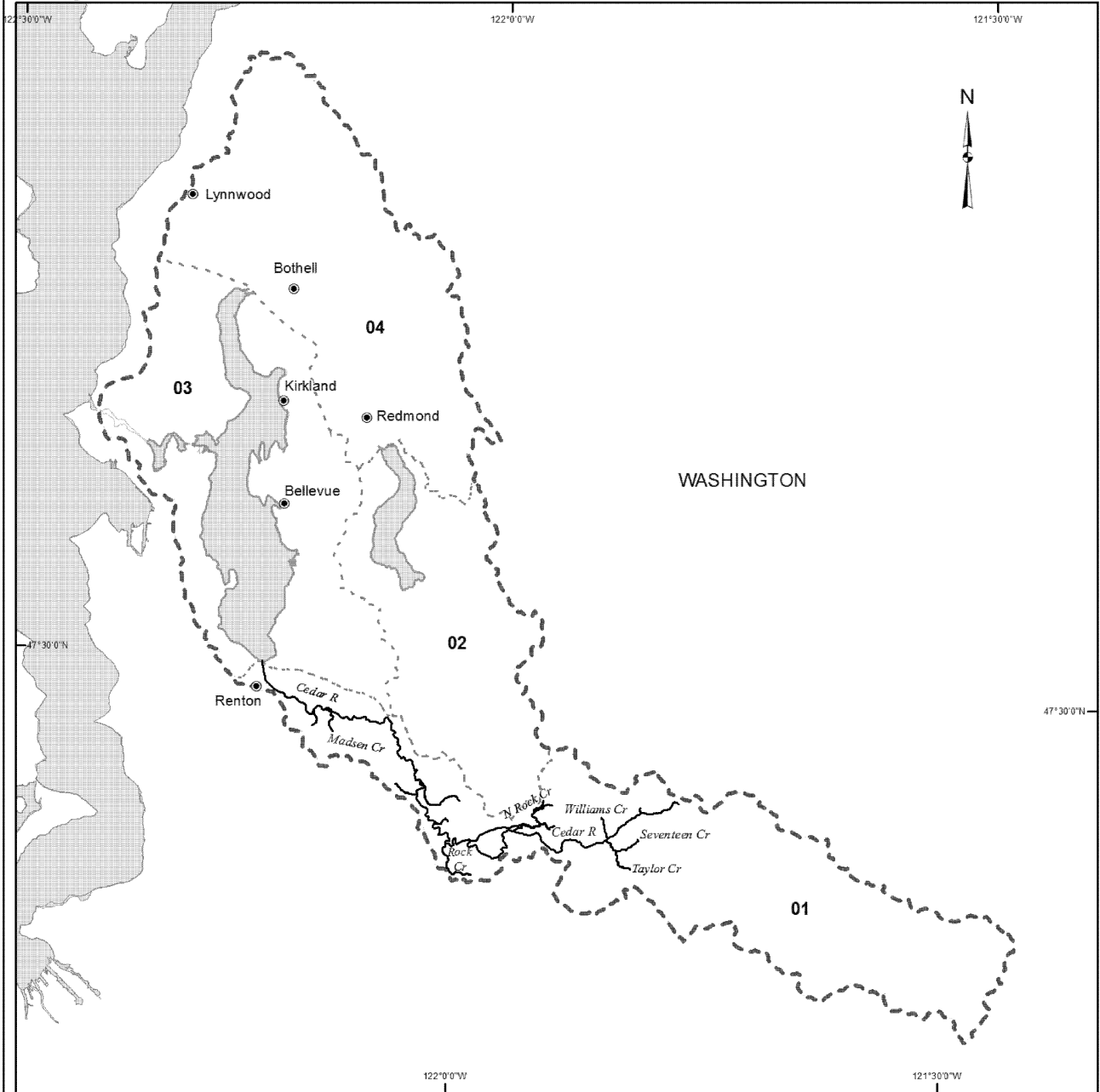
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110011, watershed = 1711001101)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

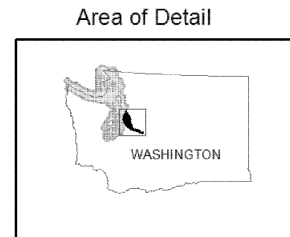
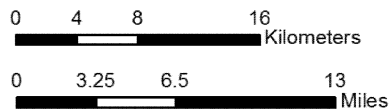
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Lake Washington Subbasin  
17110012**



- Cities
- State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⋯ Subbasin Boundary

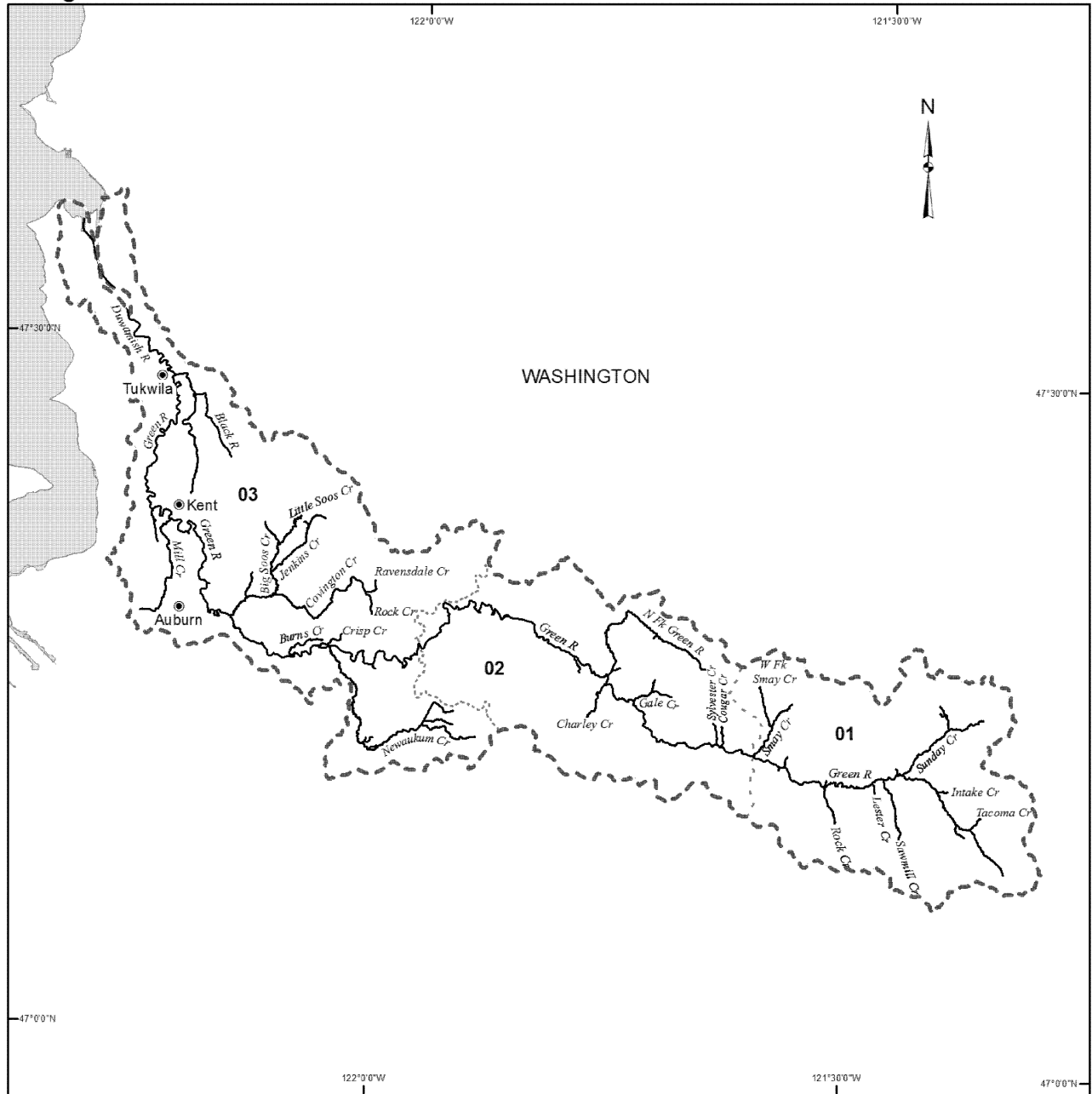
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110012, watershed = 1711001201)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

**Final Critical Habitat for the Puget Sound Steelhead DPS**

**Duwamish Subbasin 17110013**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 - - - Watershed Boundary  
 - · - Subbasin Boundary

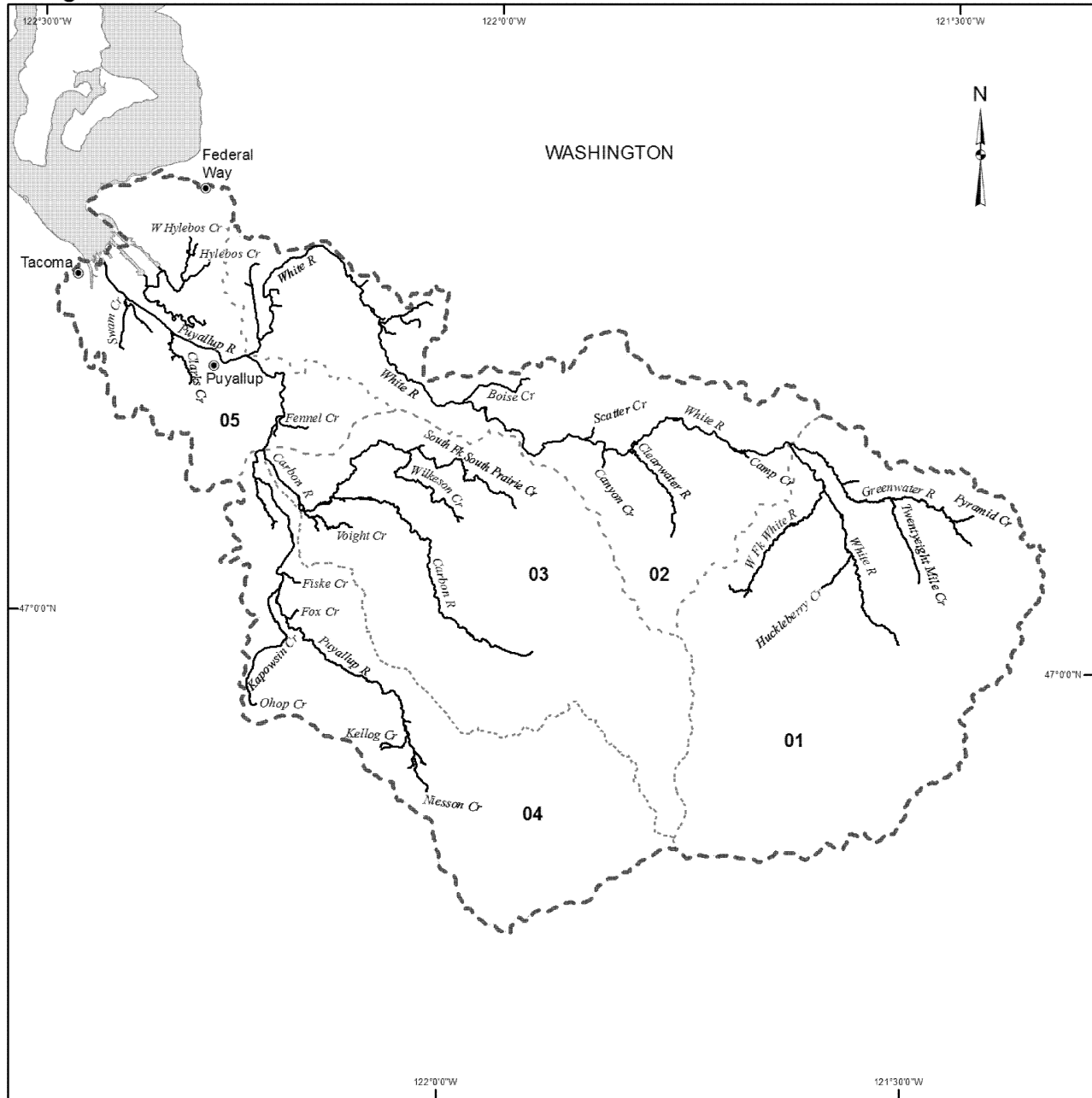
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110013, watershed = 1711001301)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

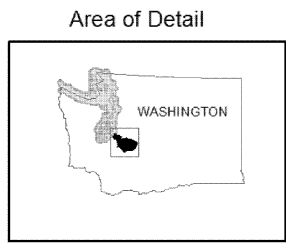
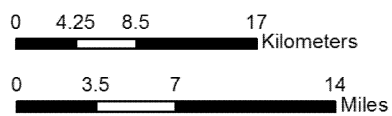
**Final Critical Habitat for the Puget Sound Steelhead DPS**

**Puyallup Subbasin 17110014**



● Cities  
 □ State Boundaries  
 ~ Critical Habitat  
 - - - Watershed Boundary  
 - - - Subbasin Boundary

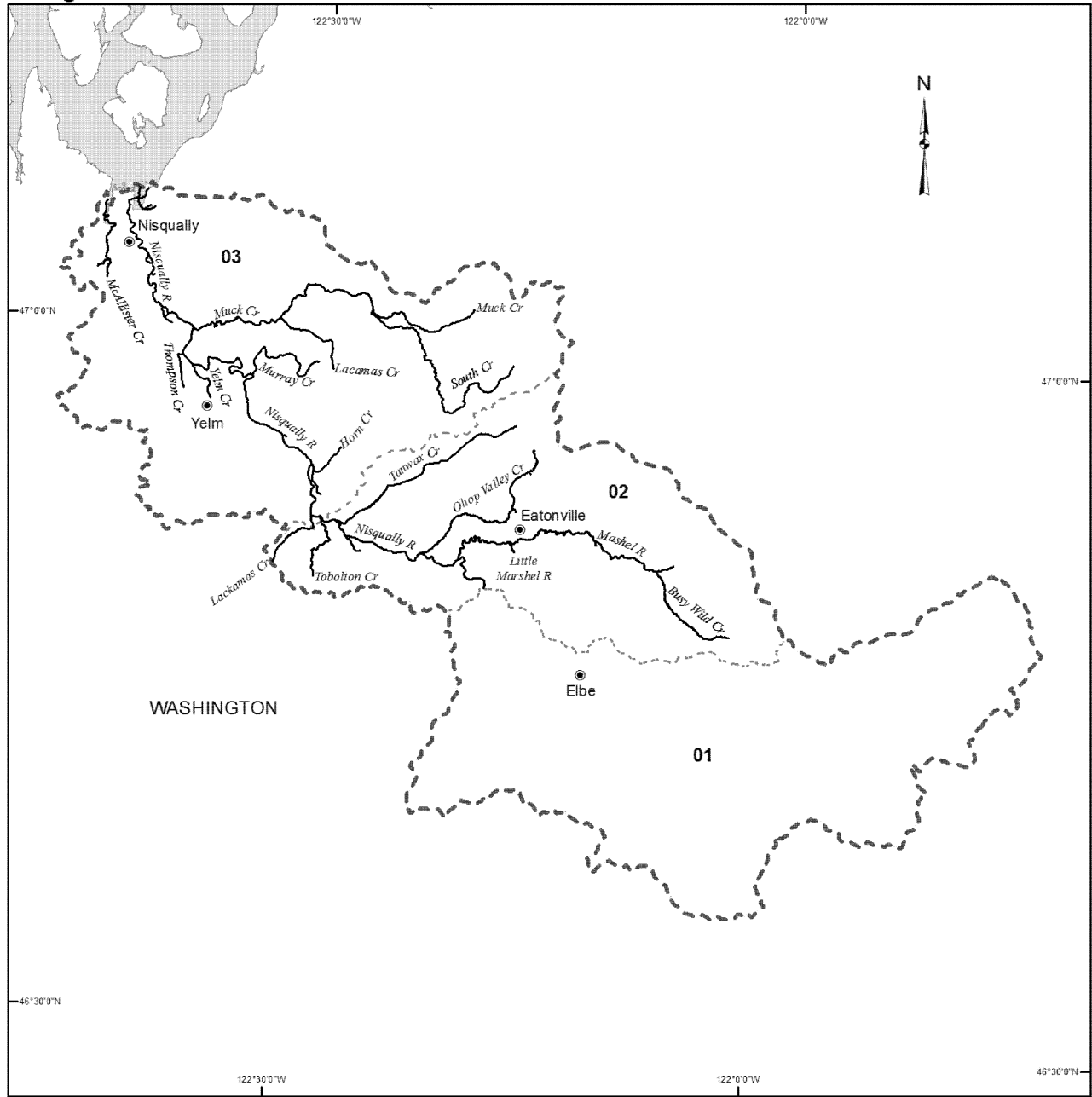
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110014, watershed = 1711001401)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

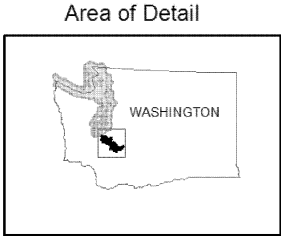
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Nisqually Subbasin  
17110015**



- Cities
- State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- ⋈ Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110015, watershed = 1711001501)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

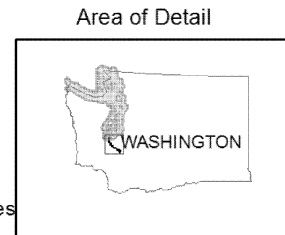
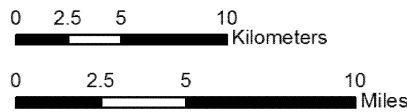
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Deschutes Subbasin  
17110016**



- Cities
- State Boundaries
- ~ Critical Habitat
- ⋯ Watershed Boundary
- ⊞ Subbasin Boundary

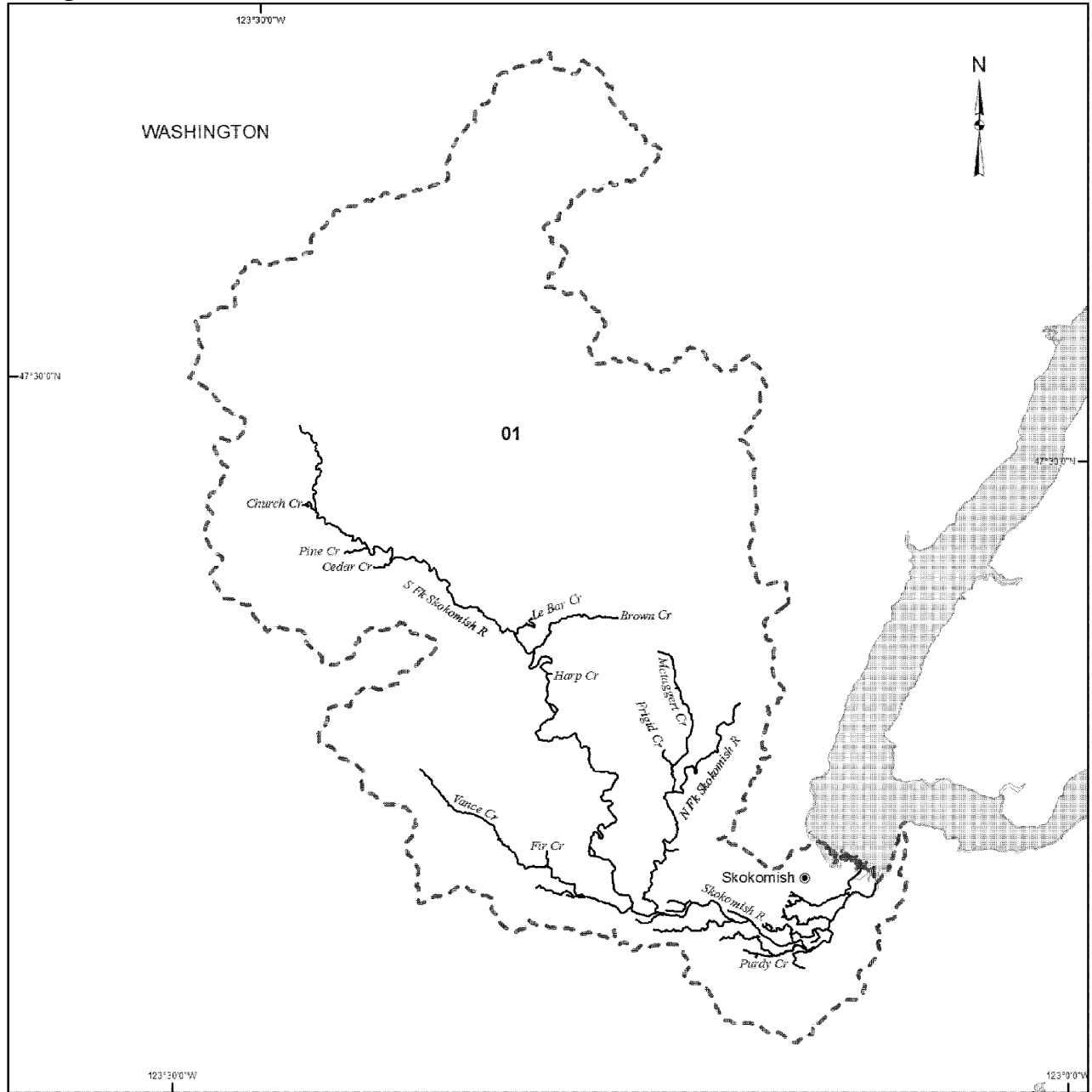
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110016, watershed = 1711001601)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

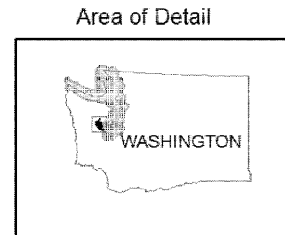
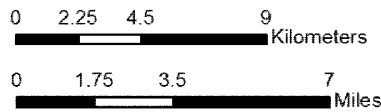
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Skokomish Subbasin  
17110017**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- ⊞ Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110017, watershed = 1711001701)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.



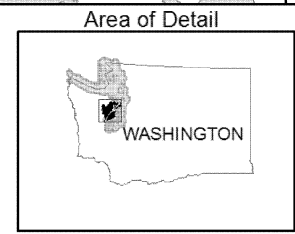
**Final Critical Habitat for the  
Puget Sound Steelhead DPS**

**Hood Canal Subbasin  
17110018**



- Cities
- ▭ State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- - - Subbasin Boundary

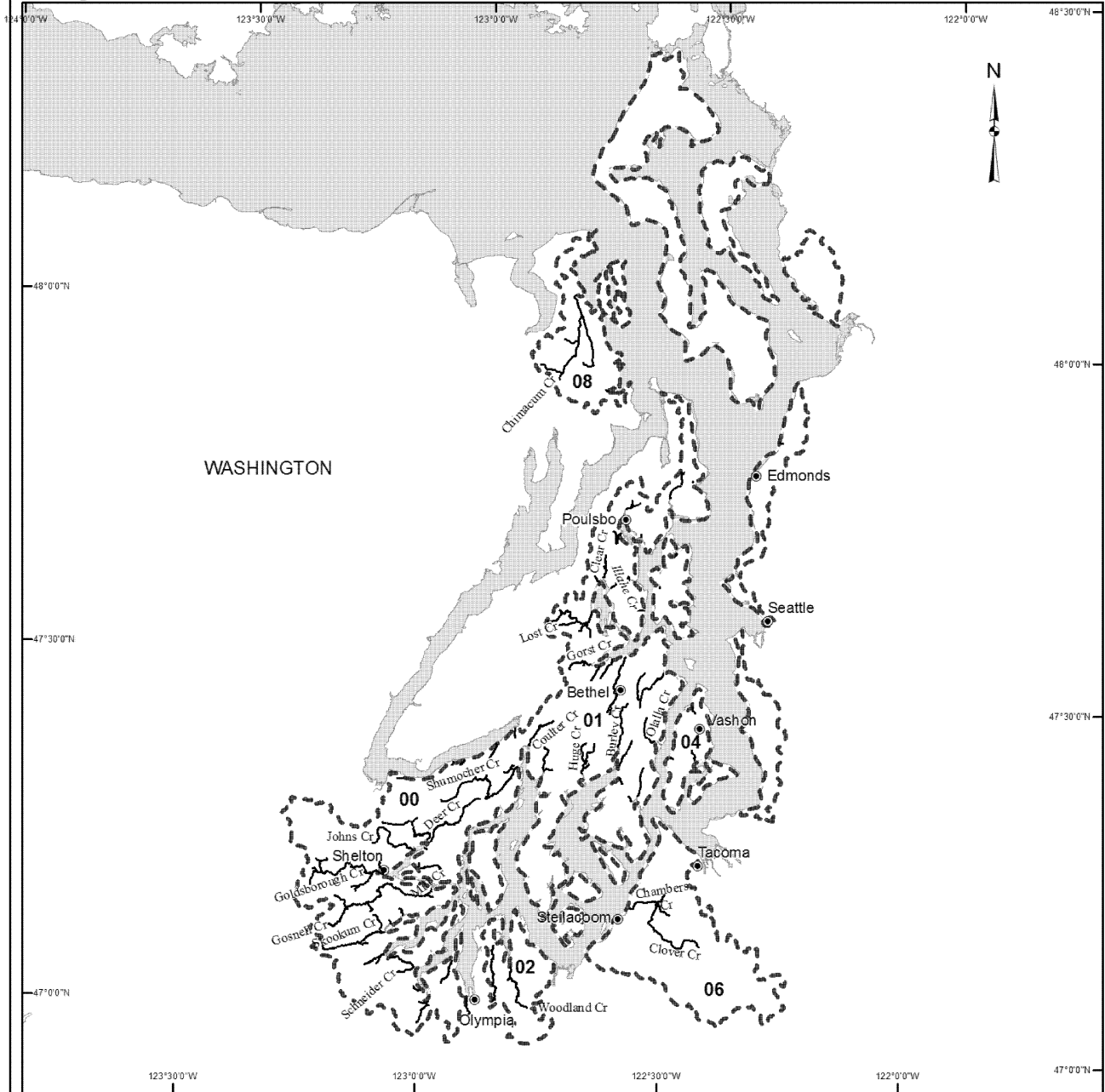
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110018, watershed = 1711001801)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.

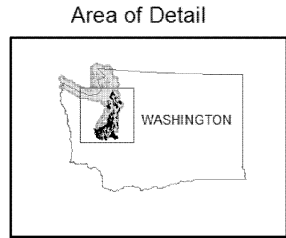
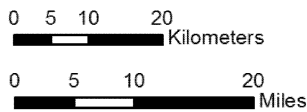
### Final Critical Habitat for the Puget Sound Steelhead DPS

### Puget Sound Subbasin 17110019



- Cities
- State Boundaries
- ~ Critical Habitat
- Watershed Boundary
- ⋯ Subbasin Boundary

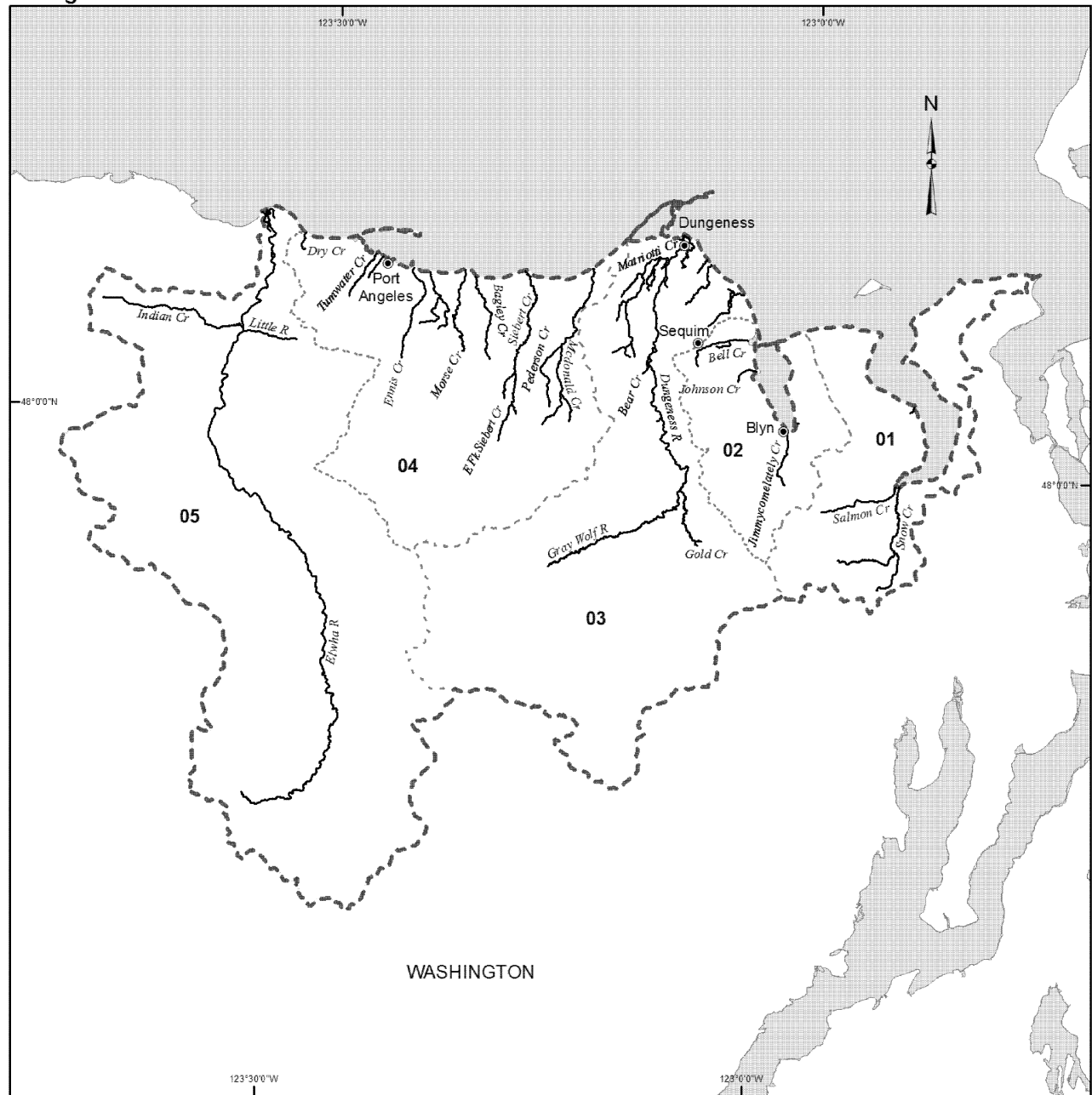
The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110019, watershed = 1711001901)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans, see the regulatory text for a description of these excluded areas.

**Final Critical Habitat for the Puget Sound Steelhead DPS**

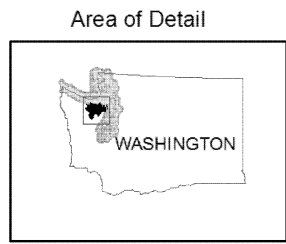
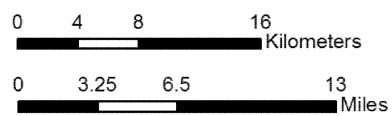
**Dungeness-Elwha Subbasin 17110020**



WASHINGTON

- Cities
- State Boundaries
- ~ Critical Habitat
- - - Watershed Boundary
- - - Subbasin Boundary

The watershed code is the subbasin number with the two digit watershed code appended to the end (i.e., Subbasin = 17110020, watershed = 1711002001)



This map does not show U.S. Department of Defense sites determined to be ineligible for designation nor excluded areas associated with Indian lands and Habitat Conservation Plans; see the regulatory text for a description of these excluded areas.



# FEDERAL REGISTER

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Vol. 81

Wednesday,

No. 36

February 24, 2016

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Part III

## The President

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Notice of February 22, 2016—Continuation of the National Emergency With Respect to Libya



## Title 3—

Notice of February 22, 2016

## The President

**Continuation of the National Emergency With Respect to Libya**

On February 25, 2011, by Executive Order 13566, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of Colonel Muammar Qadhafi, his government, and close associates, who took extreme measures against the people of Libya, including by using weapons of war, mercenaries, and wanton violence against unarmed civilians. In addition, there was a serious risk that Libyan state assets would be misappropriated by Qadhafi, members of his government, members of his family, or his close associates if those assets were not protected. The foregoing circumstances, the prolonged attacks, and the increased numbers of Libyans seeking refuge in other countries caused a deterioration in the security of Libya and posed a serious risk to its stability.

The situation in Libya continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, and we need to protect against the diversion of assets or other abuse by certain members of Qadhafi's family and other former regime officials.

For this reason, the national emergency declared on February 25, 2011, must continue in effect beyond February 25, 2016. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13566.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,  
February 22, 2016.

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## Federal Register

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| Executive orders and proclamations                  | <b>741-6000</b>     |
| <b>The United States Government Manual</b>          | <b>741-6000</b>     |
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### FEDERAL REGISTER PAGES AND DATE, FEBRUARY

|                |    |                |    |
|----------------|----|----------------|----|
| 5037-5364..... | 1  | 8639-8820..... | 22 |
| 5365-5572..... | 2  | 8821-9080..... | 23 |
| 5573-5880..... | 3  | 9081-9330..... | 24 |
| 5881-6156..... | 4  |                |    |
| 6157-6410..... | 5  |                |    |
| 6411-6744..... | 8  |                |    |
| 6745-7024..... | 9  |                |    |
| 7025-7194..... | 10 |                |    |
| 7195-7440..... | 11 |                |    |
| 7441-7694..... | 12 |                |    |
| 7695-7964..... | 16 |                |    |
| 7965-8132..... | 17 |                |    |
| 8133-8388..... | 18 |                |    |
| 8389-8638..... | 19 |                |    |

### CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

|                               |                        |                  |
|-------------------------------|------------------------|------------------|
| <b>2 CFR</b>                  | 1710.....              | 7695             |
|                               | 1717.....              | 7695             |
|                               | 1724.....              | 7695             |
|                               | 1726.....              | 7695             |
|                               | 1737.....              | 7695             |
|                               | 1738.....              | 7695             |
|                               | 1739.....              | 7695             |
|                               | 1740.....              | 7695             |
|                               | 1773.....              | 7695             |
|                               | 1774.....              | 7695             |
|                               | 1775.....              | 7695             |
|                               | 1776.....              | 7695             |
|                               | 1778.....              | 7695             |
|                               | 1779.....              | 7695             |
|                               | 1780.....              | 7695             |
|                               | 1782.....              | 7695             |
|                               | 1783.....              | 7695             |
|                               | 1942.....              | 7695             |
|                               | 1944.....              | 7695             |
|                               | 1951.....              | 7695             |
|                               | 1980.....              | 7695             |
|                               | 3015.....              | 7695             |
|                               | 3016.....              | 7695             |
|                               | 3018.....              | 7695             |
|                               | 3019.....              | 7695             |
|                               | 3022.....              | 7695             |
|                               | 3052.....              | 7695             |
|                               | 3400.....              | 7695             |
|                               | 3401.....              | 7695             |
|                               | 3402.....              | 7695             |
|                               | 3403.....              | 7695             |
|                               | 3405.....              | 7695             |
|                               | 3406.....              | 7695             |
|                               | 3407.....              | 7695             |
|                               | 3415.....              | 7695             |
|                               | 3430.....              | 6411, 7695       |
|                               | 3431.....              | 7695             |
|                               | 3434.....              | 5575             |
|                               | 3550.....              | 8389             |
|                               | 3555.....              | 6418             |
|                               | 3570.....              | 7695             |
|                               | 3575.....              | 7695             |
|                               | 4274.....              | 7695             |
|                               | 4279.....              | 7695             |
|                               | 4280.....              | 7695             |
|                               | 4284.....              | 7695             |
|                               | 4285.....              | 7695             |
|                               | 4290.....              | 7695             |
| <b>Proposed Rules:</b>        |                        |                  |
|                               | 271.....               | 8015             |
|                               | 278.....               | 8015             |
|                               | 800.....               | 6185, 8666, 9122 |
|                               | 1218.....              | 8860             |
| <b>3 CFR</b>                  |                        |                  |
| <b>Proclamations</b>          |                        |                  |
|                               | 9391.....              | 5875             |
|                               | 9392.....              | 5877             |
|                               | 9393.....              | 5879             |
|                               | 9394.....              | 8365             |
|                               | 9395.....              | 8371             |
|                               | 9396.....              | 8379             |
|                               | 9397.....              | 8387             |
| <b>Executive Orders</b>       |                        |                  |
|                               | 12699 (Revoked by      |                  |
|                               | EO 13717).....         | 6407             |
|                               | 12941 (Revoked by      |                  |
|                               | EO 13717).....         | 6407             |
|                               | 13717.....             | 6407             |
|                               | 13718.....             | 7441             |
|                               | 13719.....             | 7687             |
|                               | 13719                  |                  |
|                               | (Republication).....   | 7961             |
| <b>Administrative Orders:</b> |                        |                  |
| <b>Memorandums:</b>           |                        |                  |
|                               | Memorandum of          |                  |
|                               | January 28, 2016.....  | 5361             |
|                               | Memorandum of          |                  |
|                               | January 29, 2016.....  | 5571             |
| <b>Notices:</b>               |                        |                  |
|                               | Notice of February 3,  |                  |
|                               | 2016.....              | 6157             |
|                               | Notice of February 22, |                  |
|                               | 2016.....              | 9329             |
|                               | Order of February 9,   |                  |
|                               | 2016.....              | 7693             |
| <b>5 CFR</b>                  |                        |                  |
|                               | 532.....               | 8639             |
|                               | Ch. XXXVI.....         | 6159             |
| <b>Proposed Rules:</b>        |                        |                  |
|                               | 250.....               | 6469             |
|                               | 2635.....              | 8008             |
| <b>7 CFR</b>                  |                        |                  |
|                               | 28.....                | 7025             |
|                               | 205.....               | 8821             |
|                               | 301.....               | 8822             |
|                               | 319.....               | 5881, 7195       |
|                               | 761.....               | 7695             |
|                               | 785.....               | 7695             |
|                               | 920.....               | 5573             |
|                               | 1217.....              | 8822             |
|                               | 1407.....              | 7695             |
|                               | 1485.....              | 7695             |
|                               | 1703.....              | 7695             |
|                               | 1709.....              | 7695             |
| <b>8 CFR</b>                  |                        |                  |
|                               | 212.....               | 6430             |
| <b>9 CFR</b>                  |                        |                  |
|                               | 53.....                | 6745             |
|                               | 300.....               | 9081             |
|                               | 441.....               | 9081             |
|                               | 530.....               | 9081             |
|                               | 531.....               | 9081             |

|                                                                                                          |                                 |                                                                                      |                                                                                                                         |
|----------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 532.....9081                                                                                             | <b>Proposed Rules:</b>          | 3282.....6806                                                                        | 7706, 7708, 7710, 7976,<br>7978, 7980, 8406, 8650,<br>8654, 8656, 9114                                                  |
| 533.....9081                                                                                             | 734.....8421                    | <b>26 CFR</b>                                                                        | 70.....7463                                                                                                             |
| 534.....9081                                                                                             | 738.....8421                    | 1.....5908, 8149, 8398, 8835                                                         | 81.....9114                                                                                                             |
| 537.....9081                                                                                             | 740.....8421                    | <b>Proposed Rules:</b>                                                               | 82.....6765                                                                                                             |
| 539.....9081                                                                                             | 742.....8421                    | 1.....5060, 5966, 7253, 8446,<br>8870, 9122                                          | 97.....7466                                                                                                             |
| 540.....9081                                                                                             | 743.....8421                    | <b>27 CFR</b>                                                                        | 180.....5600, 7032, 7466, 7473,<br>7982, 8658                                                                           |
| 541.....9081                                                                                             | 744.....8421                    | 9.....9105                                                                           | 241.....6688                                                                                                            |
| 544.....9081                                                                                             | 770.....6791                    | <b>29 CFR</b>                                                                        | 300.....6768                                                                                                            |
| 548.....9081                                                                                             | 772.....8421                    | 1952.....6177                                                                        | 721.....7455                                                                                                            |
| 550.....9081                                                                                             | 774.....6791, 8421              | 4022.....7454                                                                        | 745.....7987                                                                                                            |
| 552.....9081                                                                                             | <b>16 CFR</b>                   | <b>Proposed Rules:</b>                                                               | <b>Proposed Rules:</b>                                                                                                  |
| 555.....9081                                                                                             | 305.....7201                    | 1614.....9123                                                                        | 7.....6813                                                                                                              |
| 557.....9081                                                                                             | 1031.....5369                   | 1910.....7717                                                                        | 9.....6813                                                                                                              |
| 559.....9081                                                                                             | <b>Proposed Rules:</b>          | 1915.....7717                                                                        | 52.....6200, 6481, 6483, 6813,<br>6814, 6936, 7046, 7259,<br>7269, 7483, 7489, 7721,<br>8030, 8455, 8460, 8679,<br>8680 |
| 560.....9081                                                                                             | Ch. I.....7716                  | 1926.....7717                                                                        | 60.....6814                                                                                                             |
| 561.....9081                                                                                             | <b>17 CFR</b>                   | <b>30 CFR</b>                                                                        | 63.....6814                                                                                                             |
| <b>Proposed Rules:</b>                                                                                   | 30.....7204                     | <b>Proposed Rules:</b>                                                               | 81.....6936, 7046, 7269                                                                                                 |
| 1.....5629                                                                                               | 240.....8598                    | 936.....6477                                                                         | 82.....6824                                                                                                             |
| 3.....5629                                                                                               | <b>Proposed Rules:</b>          | 946.....6479                                                                         | 180.....6826                                                                                                            |
| <b>10 CFR</b>                                                                                            | 240.....8867                    | <b>31 CFR</b>                                                                        | 228.....7055                                                                                                            |
| 430.....7965                                                                                             | <b>18 CFR</b>                   | 0.....8402                                                                           | 300.....6827                                                                                                            |
| <b>Proposed Rules:</b>                                                                                   | 1b.....5378                     | <b>Proposed Rules:</b>                                                               | <b>42 CFR</b>                                                                                                           |
| 2.....8021                                                                                               | 2.....5378                      | 1010.....9139                                                                        | 401.....7654                                                                                                            |
| 50.....8666                                                                                              | 11.....9090                     | <b>32 CFR</b>                                                                        | 403.....5917                                                                                                            |
| 429.....8022                                                                                             | 157.....5378, 8644              | <b>Proposed Rules:</b>                                                               | 405.....7654                                                                                                            |
| 430.....5658                                                                                             | 380.....5378                    | 199.....5061                                                                         | 440.....5530                                                                                                            |
| 900.....5383                                                                                             | 401.....5585                    | <b>33 CFR</b>                                                                        | 447.....5170                                                                                                            |
| <b>12 CFR</b>                                                                                            | <b>Proposed Rules:</b>          | 117.....5039, 5040, 5041, 5916,<br>6178, 6758, 7207, 7208,<br>7974, 8645, 8841, 9109 | <b>Proposed Rules:</b>                                                                                                  |
| 209.....9082                                                                                             | 35.....5951                     | 165.....6179, 6181, 7704, 7974,<br>8646                                              | 2.....6988                                                                                                              |
| 227.....8133                                                                                             | <b>20 CFR</b>                   | <b>Proposed Rules:</b>                                                               | 401.....5397                                                                                                            |
| 339.....6169                                                                                             | 404.....6170                    | 100.....5967, 6196, 7044, 7256,<br>7481                                              | 425.....5824                                                                                                            |
| 702.....7198                                                                                             | 416.....6170                    | 117.....5679, 8168                                                                   | <b>43 CFR</b>                                                                                                           |
| 1024.....7032                                                                                            | 900.....8832                    | 165.....7718                                                                         | <b>Proposed Rules:</b>                                                                                                  |
| 1026.....7032                                                                                            | <b>Proposed Rules:</b>          | 401.....6198                                                                         | 3100.....6616                                                                                                           |
| 1209.....8639                                                                                            | 411.....7041                    | 402.....6810                                                                         | 3160.....6616                                                                                                           |
| 1250.....8639                                                                                            | <b>21 CFR</b>                   | <b>34 CFR</b>                                                                        | 3170.....6616                                                                                                           |
| 1807.....6434                                                                                            | 73.....5589                     | <b>Proposed Rules:</b>                                                               | <b>44 CFR</b>                                                                                                           |
| <b>Proposed Rules:</b>                                                                                   | 101.....5589, 8833              | Ch. II.....5969                                                                      | 64.....7712, 7996                                                                                                       |
| 203.....8667                                                                                             | 118.....5589                    | <b>36 CFR</b>                                                                        | <b>Proposed Rules:</b>                                                                                                  |
| 217.....5661, 5943                                                                                       | 165.....5589                    | <b>Proposed Rules:</b>                                                               | 1331.....5917                                                                                                           |
| 252.....5943                                                                                             | 172.....5589                    | 7.....9139                                                                           | 1611.....6183                                                                                                           |
| 327.....6108                                                                                             | 173.....5589                    | 242.....8675                                                                         | <b>47 CFR</b>                                                                                                           |
| 652.....8823                                                                                             | 177.....5589                    | <b>37 CFR</b>                                                                        | 1.....5605, 7999                                                                                                        |
| <b>13 CFR</b>                                                                                            | 178.....5589                    | 351.....8649                                                                         | 15.....5041                                                                                                             |
| <b>Proposed Rules:</b>                                                                                   | 184.....5589                    | <b>38 CFR</b>                                                                        | 52.....5920                                                                                                             |
| 107.....5666                                                                                             | 189.....5589                    | <b>Proposed Rules:</b>                                                               | 54.....7999                                                                                                             |
| <b>14 CFR</b>                                                                                            | 589.....5589                    | 17.....6479                                                                          | 73.....5380, 7477, 8843                                                                                                 |
| 25.....71980, 7698, 7965                                                                                 | 601.....7445                    | <b>39 CFR</b>                                                                        | 74.....5041                                                                                                             |
| 39.....5037, 5365, 5367, 5889,<br>5893, 6751, 6753, 6755,<br>7967, 8134, 8138, 8140,<br>8143, 8642, 8823 | 700.....5589                    | 955.....7208                                                                         | 79.....5921                                                                                                             |
| 61.....5896                                                                                              | 868.....7446                    | 3020.....5596                                                                        | <b>Proposed Rules:</b>                                                                                                  |
| 71.....5898, 5901, 5902, 5903,<br>5905, 6447, 6448, 6450,<br>7200, 7971, 7973, 8389                      | 870.....7446                    | 3001.....5085, 7720                                                                  | 15.....7491                                                                                                             |
| 73.....9089                                                                                              | 878.....7452                    | <b>40 CFR</b>                                                                        | 73.....5086, 8171                                                                                                       |
| 97.....5577, 5579, 5581, 5584,<br>8391, 8392, 8394, 8396                                                 | 888.....8146                    | 9.....7455                                                                           | 74.....7491                                                                                                             |
| 183.....5896                                                                                             | 1308.....6171, 6175, 6451, 6453 | 49.....9109                                                                          | 79.....5971                                                                                                             |
| <b>Proposed Rules:</b>                                                                                   | <b>Proposed Rules:</b>          | 52.....6758, 6761, 6763, 7209,                                                       | <b>48 CFR</b>                                                                                                           |
| 25.....7249                                                                                              | 72.....8867                     |                                                                                      | 436.....7478                                                                                                            |
| 39.....5056, 5395, 5944, 6185,<br>6475, 8023, 8155, 8157,<br>8160, 8164, 8166, 8668                      | 101.....8869                    |                                                                                      | 452.....7478                                                                                                            |
| 71.....5676, 5946, 5948, 5949,<br>7039, 7040, 7251, 8026,<br>8027, 8029                                  | 1308.....6190                   |                                                                                      | <b>Proposed Rules:</b>                                                                                                  |
| 1274.....8671                                                                                            | <b>22 CFR</b>                   |                                                                                      | 31.....8031                                                                                                             |
| <b>15 CFR</b>                                                                                            | 41.....5906, 7454               |                                                                                      | 215.....6488                                                                                                            |
| 744.....8825                                                                                             | 51.....6757                     |                                                                                      |                                                                                                                         |
|                                                                                                          | 171.....8834                    |                                                                                      |                                                                                                                         |
|                                                                                                          | <b>Proposed Rules:</b>          |                                                                                      |                                                                                                                         |
|                                                                                                          | 121.....6797, 8438              |                                                                                      |                                                                                                                         |
|                                                                                                          | <b>24 CFR</b>                   |                                                                                      |                                                                                                                         |
|                                                                                                          | <b>Proposed Rules:</b>          |                                                                                      |                                                                                                                         |
|                                                                                                          | 960.....5677                    |                                                                                      |                                                                                                                         |
|                                                                                                          | 3280.....6806                   |                                                                                      |                                                                                                                         |



|               |      |           |            |                        |            |                        |                                                                  |
|---------------|------|-----------|------------|------------------------|------------|------------------------|------------------------------------------------------------------|
| 231.....      | 7721 | 1039..... | 8848       | 1245.....              | 8848       | 402.....               | 7214                                                             |
| 252.....      | 6488 | 1090..... | 8848       | 1246.....              | 8848       | 424.....               | 7226, 7414                                                       |
| <b>49 CFR</b> |      | 1101..... | 8848       | 1247.....              | 8848       | 660.....               | 8857                                                             |
| 223.....      | 6775 | 1102..... | 8848       | 1248.....              | 8848       | 622.....               | 7715                                                             |
| 372.....      | 9117 | 1103..... | 8848       | 1253.....              | 8848       | 665.....               | 5619                                                             |
| 501.....      | 5937 | 1104..... | 8848       | <b>Proposed Rules:</b> |            | 679.....               | 5054, 5381, 5627, 5628,<br>6459, 6460, 7037, 8418,<br>8859, 9121 |
| 571.....      | 6454 | 1105..... | 8848       | 571.....               | 7492       |                        |                                                                  |
| 830.....      | 6458 | 1110..... | 8848       | 673.....               | 6344       |                        |                                                                  |
| 1001.....     | 8848 | 1111..... | 8848       | 1241.....              | 8171       | <b>Proposed Rules:</b> |                                                                  |
| 1002.....     | 8848 | 1113..... | 8848       | 1242.....              | 8171       | 91.....                | 7279                                                             |
| 1005.....     | 8848 | 1114..... | 8848       | 1243.....              | 8171       | 17.....                | 7723                                                             |
| 1007.....     | 8848 | 1115..... | 8848       | 1244.....              | 8171       | 100.....               | 8675                                                             |
| 1011.....     | 8848 | 1118..... | 8848       | 1245.....              | 8171       | 216.....               | 6489, 7493                                                       |
| 1012.....     | 8848 | 1139..... | 8848       | 1246.....              | 8171       | 223.....               | 8874                                                             |
| 1013.....     | 8848 | 1144..... | 8848       | 1247.....              | 8171       | 224.....               | 8874                                                             |
| 1014.....     | 8848 | 1146..... | 8848       | 1248.....              | 8171       | 300.....               | 6210, 6489, 7493, 8466                                           |
| 1016.....     | 8848 | 1150..... | 8848       | <b>50 CFR</b>          |            | 600.....               | 6210                                                             |
| 1017.....     | 8848 | 1151..... | 8848       | 13.....                | 8001       | 622.....               | 5978, 5979, 6222                                                 |
| 1018.....     | 8848 | 1152..... | 8848       | 17.....                | 8004, 8408 | 648.....               | 9151, 9159                                                       |
| 1019.....     | 8848 | 1180..... | 8000, 8848 | 22.....                | 8001       | 665.....               | 7494, 8884                                                       |
| 1021.....     | 8848 | 1241..... | 8848       | 223.....               | 9252       | 679.....               | 5681, 6489, 8886                                                 |
| 1034.....     | 8848 | 1242..... | 8848       | 226.....               | 9252       | 680.....               | 8886                                                             |
| 1035.....     | 8848 | 1243..... | 8848       | Ch. IV.....            | 8663       |                        |                                                                  |
|               |      | 1244..... | 8848       |                        |            |                        |                                                                  |

---

---

**LIST OF PUBLIC LAWS**

---

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

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Last List February 22, 2016

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