

Guidelines provide the maritime industry with updated information on the development and submission of an APC request made pursuant to existing regulations. In addition to providing guidance to vessel owners and operators on developing APC requests, the APC Guidelines will also facilitate consistency in the review of APC requests by Coast Guard personnel. This notice solicits public comment on the procedures contained in the draft update to the APC Guidelines.

**DATES:** Comments must reach the USCG by August 25, 2016.

**ADDRESSES:** To view the APC Guidelines as well as documents mentioned in this notice, go to <http://www.regulations.gov>, type "USCG-2016-0437" and click "Search." Then click the "Open Docket Folder."

**FOR FURTHER INFORMATION CONTACT:**

For USCG: CDR Scott Stoermer, Office of Marine Environmental Response Policy, 202-372-2234.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation and Request for Comments**

The USCG encourages participation in updating the APC Guidelines by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information provided.

**Submitting comments:** If you submit a comment, please include the docket number (USCG-2016-0437), indicate the specific section of the APC Guidelines to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name, a mailing address, an email address and/or a phone number in the body of your document to facilitate follow-up contact if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type "USCG-2016-0437" in the search box, and click "Search." Then click "Comment Now!" on the appropriate line. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the DHS Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

**Viewing comments and documents:** To view comments as well as documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov>, type "USCG-2016-0437" and click "Search." Then click the "Open Docket Folder."

**Privacy Act:** Anyone can search the electronic material submitted into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act and system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

**II. Abbreviations**

APC Alternative Planning Criteria  
CFR Code of Federal Regulations  
017 District 17  
FR Federal Register  
MSIB Marine Safety Information Bulletin  
NTV Nontank Vessel  
OPA Oil Pollution Act of 1990  
USCG U.S. Coast Guard  
VOO Vessel of Opportunity  
VRP Vessel Response Plan

**III. Background**

Under 33 CFR 155.1015 and 155.5015, vessel response plans (VRPs) are required to cover all navigable waters of the U.S. in which a vessel operates. Several areas under U.S. jurisdiction do not have sufficient resources to meet the national planning criteria prescribed under 33 CFR part 155, Appendix B. In remote areas where typical response resources are not available, or the available commercial resources do not meet the national planning criteria, a vessel owner or operator may request that the Coast Guard accept an Alternative Planning Criteria (APC).

In August 2009, the Coast Guard published CG-543 Policy Letter 09-02, "Industry Guidelines for Requesting Alternate Planning Criteria Approval, One Time Waivers and Interim Operating Authorization." The purpose of Policy Letter 09-02, was to provide guidance to the maritime industry in applying for an APC pursuant to 33 CFR 155.1065(f).

In September 2013, the Coast Guard published regulations (78 FR 60124) requiring NTVs over 400 gross tons to submit VRPs, which made the national planning criteria in 33 CFR part 155 applicable to thousands of additional vessels across the U.S., including geographic areas with limited commercially available response resources. Over time, it became apparent that additional guidance would be useful in addressing

compliance issues that had developed from the promulgation of the nontank vessel (NTV) Final Rule.

In 2015, Coast Guard DL 7 published a draft Marine Safety Information Bulletin (MSIB) that provided guidance for APC submissions and expectations within Alaskan waters, with a focus on NTV traffic. DL 7 received a multitude of comments from various sectors of the maritime industry on the draft MSIB. By this time, the Coast Guard determined it would be best to update the national APC guidance rather than singularly focusing on APC guidelines specific to Alaska. The comments received on DL 7's MSIB were strongly considered by the Coast Guard during the development of the revised APC national guidance now being published for public comment.

**IV. Public Comment of APC Guidelines**

The draft APC Guidelines may be amended by the Coast Guard, as appropriate, based upon public comment on this **Federal Register** notice.

This notice is issued under the authority of 5 U.S.C. 552 (a).

Dated: May 23, 2016.

**J.B. Loring,**

*Captain, U.S. Coast Guard, Chief, Office of Marine Environmental Response Policy.*

[FR Doc. 2016-12624 Filed 5-26-16; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

[CBP Dec. 16-08]

**Western Hemisphere Travel Initiative: Designation of an Approved Native American Tribal Card Issued by the Hydagurg Cooperative Association of Alaska as an Acceptable Document To Denote Identity and Citizenship for Entry in the United States at Land and Sea Ports of Entry**

**AGENCY:** U.S. Customs and Border Protection, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the Commissioner of U.S. Customs and Border Protection is designating an approved Native American Tribal Card issued by the Hydagurg Cooperative Association of Alaska (HCA Tribe) to U.S. and Canadian citizens as an acceptable travel document for purposes of the Western Hemisphere Travel Initiative. The approved card may be used to denote identity and citizenship of HCA Tribe members entering the

United States from contiguous territory or adjacent islands at land and sea ports of entry.

**DATES:** This designation will become effective on May 27, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Arthur A. E. Pitts, Director, Traveler Policies Division, Admissibility and Passenger Programs, Office of Field Operations, U.S. Customs and Border Protection, via email at [arthur.a.pitts@cbp.dhs.gov](mailto:arthur.a.pitts@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

*The Western Hemisphere Travel Initiative*

Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108–458, as amended, required the Secretary of Homeland Security (Secretary), in consultation with the Secretary of State, to develop and implement a plan to require U.S. citizens and individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)) to present a passport or other document or combination of documents as the Secretary deems sufficient to denote identity and citizenship for all travel into the United States. See 8 U.S.C. 1185 note. On April 3, 2008, the Department of Homeland Security (DHS) and the Department of State promulgated a joint final rule, effective on June 1, 2009, that implemented the plan known as the Western Hemisphere Travel Initiative (WHTI) at U.S. land and sea ports of entry. See 73 FR 18384 (the WHTI land and sea final rule). It amended various sections of the Code of Federal Regulations (CFR), including 8 CFR 212.0, 212.1, and 235.1. The WHTI land and sea final rule specifies the documents that U.S. citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico are required to present when entering the United States at land and sea ports of entry.

Under the WHTI land and sea final rule, one type of citizenship and identity document that may be presented upon entry to the United States at land and sea ports of entry from contiguous territory or adjacent islands<sup>1</sup> is a Native American Tribal Card that has been designated as an acceptable document to denote identity and citizenship by the Secretary,

pursuant to section 7209 of IRTPA. Specifically, 8 CFR 235.1(e), as amended by the WHTI land and sea final rule, provides that upon designation by the Secretary of Homeland Security of a United States qualifying tribal entity document as an acceptable document to denote identity and citizenship for the purposes of entering the United States, Native Americans may be permitted to present tribal cards upon entering or seeking admission to the United States according to the terms of the voluntary agreement entered between the Secretary of Homeland Security and the tribe. It provides that the Secretary of Homeland Security will announce, by publication of a notice in the **Federal Register**, documents designated under this paragraph. It further provides that a list of the documents designated under this section will also be made available to the public.

A United States qualifying tribal entity is defined as a tribe, band, or other group of Native Americans formally recognized by the United States Government which agrees to meet WHTI document standards.<sup>2</sup> Native American tribal cards are also referenced in 8 CFR 235.1(b) which lists the documents U.S. citizens may use to establish identity and citizenship when entering the United States. See 8 CFR 235.1(b)(7).

The Secretary has delegated to the Commissioner of U.S. Customs and Border Protection (CBP) the authority to designate certain documents as acceptable border crossing documents for persons arriving in the United States by land or sea from within the Western Hemisphere, including certain United States Native American tribal cards. See DHS Delegation Number 7105 (Revision 00), dated January 16, 2009.

*Tribal Card Program*

The WHTI land and sea final rule allowed U.S. federally recognized Native American tribes to work with CBP to enter into agreements to develop tribal ID cards that can be designated as acceptable to establish identity and citizenship when entering the United States at land and sea ports of entry from contiguous territory or adjacent islands. CBP has been working with various U.S. federally recognized Native American tribes to facilitate the development of such cards.<sup>3</sup> As part of the process, CBP will enter into one or

more agreements with a U.S. federally recognized tribe that specify the requirements for developing and issuing WHTI-compliant tribal cards, including a testing and auditing process to ensure that the cards are produced and issued in accordance with the terms of the agreements.

After production of the cards in accordance with the specified requirements, and successful testing and auditing by CBP of the cards and program, the Secretary of Homeland Security or the Commissioner of CBP may designate the tribal card as an acceptable WHTI-compliant document for the purpose of establishing identity and citizenship when entering the United States by land or sea from contiguous territory or adjacent islands. Such designation will be announced by publication of a notice in the **Federal Register**. More information about WHTI-compliant documents is available at [www.cbp.gov/travel](http://www.cbp.gov/travel).

The Pascua Yaqui Tribe of Arizona became the first Native American tribe to have its tribal card designated as a Western Hemisphere Travel Initiative compliant document by the Commissioner of CBP. This designation was announced in a notice published in the **Federal Register** on June 9, 2011 (76 FR 33776). Subsequently, the Commissioner of CBP announced the designation of the tribal cards of the Kootenai Tribe of Idaho and the Seneca Nation of Indians as Western Hemisphere Travel Initiative compliant documents. See 77 FR 4822 (January 31, 2012) and 80 FR 40076 (July 13, 2015).

*HCA Tribe WHTI-Compliant Tribal Card Program*

The HCA Tribe has voluntarily established a program to develop a WHTI-compliant tribal card that denotes identity and U.S. or Canadian citizenship. On May 11, 2011, CBP and the HCA Tribe signed a Memorandum of Agreement (MOA) to develop, issue, test, and evaluate tribal cards to be used for border crossing purposes. Pursuant to this MOA, the cards are issued to members of the HCA Tribe who can establish identity, tribal membership, and U.S. or Canadian citizenship. The cards incorporate physical security features acceptable to CBP as well as facilitative technology allowing for electronic validation of identity, citizenship, and tribal membership by CBP. On August 27, 2014, the HCA Tribe and CBP signed an addendum to the April 1, 2010 Pascua Yaqui Tribe Service Level Agreement that provides that the Pascua Yaqui Tribe would serve as the Information Technology

<sup>1</sup> Adjacent islands is defined in 8 CFR 212.0 as Bermuda and the islands located in the Caribbean Sea, except Cuba. This definition applies to 8 CFR 212.1 and 235.1.

<sup>2</sup> See 8 CFR 212.0. This definition applies to 8 CFR 212.1 and 235.1.

<sup>3</sup> The Native American tribal cards qualifying to be a WHTI-compliant document for border crossing purposes are commonly referred to as “Enhanced Tribal Cards” or “ETCs.”

Coordinator and the manufacturer of the tribal cards on behalf of the HCA Tribe.

CBP has tested the cards developed by the HCA Tribe pursuant to the above agreements and has performed an audit of the tribe's card program. On the basis of these tests and audit, CBP has determined that the cards meet the requirements of section 7209 of the IRTPA and are acceptable documents to denote identity and U.S. and Canadian citizenship for purposes of entering the United States at land and sea ports of entry from contiguous territory or adjacent islands.<sup>4</sup> CBP's continued acceptance of the tribal card as a WHTI-compliant document is conditional on compliance with the MOA and all related agreements.

Acceptance and use of the WHTI-compliant tribal card is voluntary for tribe members. If an individual is denied a WHTI-compliant tribal card, he or she may still apply for a passport or other WHTI-compliant document.

#### Designation

This notice announces that the Commissioner of CBP designates the tribal card issued by the HCA Tribe in accordance with the MOA and all related agreements between the tribe and CBP as an acceptable WHTI-compliant document pursuant to section 7209 of the IRTPA and 8 CFR 235.1(e). In accordance with these provisions, the approved card, if valid and lawfully obtained, may be used to denote identity and U.S. or Canadian citizenship of HCA Tribe members for the purposes of entering the United States from contiguous territory or adjacent islands at land and sea ports of entry.

Dated: May 19, 2016.

**R. Gil Kerlikowske,**

Commissioner.

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<sup>4</sup> The Native American Tribal Card issued by the HCA Tribe may not, by itself, be used by Canadian citizen tribal members to establish that they meet the requirements of section 289 of the Immigration and Nationality Act (INA) [8 U.S.C. 1359]. INA § 289 provides that nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race. While the tribal card may be used to establish a card holder's identity for purposes of INA § 289, it cannot, by itself, serve as evidence of the card holder's Canadian birth or that he or she possesses at least 50% American Indian blood, as required by INA § 289.

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2015-0025; OMB No. 1660-NEW]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request; Individual & Community Preparedness Division (ICPD) Annual Youth Preparedness Council (YPC) Application Form

**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 June 27, 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 information collection previously published in the **Federal Register** on October 28, 2015, at 80 FR 66031 with a 60 day public comment period. No comments were received. 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:** Individual & Community Preparedness Division (ICPD) Annual Youth Preparedness Council (YPC) Application Form.

**Type of information collection:** New information collection.

**OMB Number:** 1660-NEW.

**Form Titles and Numbers:** FEMA Form 008-0-0-24, FEMA Youth Preparedness Council Application Form.

**Abstract:** FEMA Headquarters and regional staff review completed applications to select council members based on dedication to public service, efforts in making a difference in their community, and potential for expanding their impact as a national advocate for youth preparedness. Applicants for the YPC apply by downloading a PDF application from FEMA's Web site. They can either complete the written form or they can answer the questions in the form of a short video. They must then download their application and submit the application and related documents, including reference letters and academic records, to FEMA via the [FEMA-Youth-Preparedness-Council@fema.dhs.gov](mailto:FEMA-Youth-Preparedness-Council@fema.dhs.gov) email address. Fifteen youths are selected to serve as a council member.

**Affected Public:** Individuals or households.

**Estimated Number of Respondents:** 100.

**Estimated Total Annual Burden Hours:** 142 hours.

**Estimated Cost:** The estimated annual cost to respondents for the hour burden is \$0. 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 \$65,662.00.

Dated: May 18, 2016.

**Richard W. Mattison**

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

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**BILLING CODE 9111-46-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2016-0030]

### National Infrastructure Advisory Council

**AGENCY:** National Protection and Programs Directorate, DHS.

**ACTION:** Committee management; notice of an open Federal Advisory Committee meeting.