

Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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 responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that 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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in

complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction because it involves the establishment of a temporary safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under

ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T09-0717 to read as follows:

§ 165.T09-0717 Safety Zone; Discovery World Private Party Fireworks Display, Milwaukee, Wisconsin.

(a) *Location.* The following area is a temporary safety zone: All waters of Milwaukee Harbor, in the vicinity of the Discovery World pier in Milwaukee Wisconsin, within a 700 foot radius from the fireworks launch site located on land in position 43°02'11" N, 087°53'37" W.

(b) *Effective and enforcement period.* This rule will be effective and enforced from 9:30 p.m. to 10:30 p.m. on both July 31, 2011 and again on August 26, 2011.

(c) *Regulations.*

(1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

(3) The "designated representative" of the Captain of the Port, Sector Lake Michigan, is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Sector Lake Michigan, to act on his or her behalf. The designated representative of the Captain of the Port, Sector Lake Michigan, will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sector Lake Michigan, or his or her designated representative to obtain permission to do so. The Captain of the Port, Sector Lake Michigan, or his or her designated representative may be contacted via VHF Channel 16.

(5) Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

Dated: July 21, 2011.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2011-19604 Filed 8-2-11; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[Docket No. EP 542 (Sub-No. 19)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2011 Update

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Board adopts its 2011 User-Fee Update and revises its fee schedule to reflect a combination of increased and decreased costs, resulting from a freeze on wage and salary increases in 2011, coupled with changes to the Board's overhead & publication costs.

DATES: *Effective Date:* These rules are effective on September 2, 2011.

FOR FURTHER INFORMATION CONTACT: David T. Groves, (202) 245-0327, or Anne Quinlan, (202) 245-0309. TDD for the hearing impaired: 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Board's regulations at 49 CFR 1002.3 provide for annual update of the Board's entire User-Fee schedule. Fees are

generally revised based on the cost-study formula set forth at 49 CFR 1002.3(d). The fee changes adopted here reflect a combination of the unchanged wage and salary costs from the 2010 User Fee Update decision plus changes to the various Board overhead and publication costs (one increased and three decreased from their comparable 2010 levels), resulting from the mechanical application of the update formula in 49 CFR 1002.3(d). Results from the formula application indicate that justified fee amounts in this 2011 update decision either remain unchanged (113 fee or sub-fee items) or decreased (12 fee or sub-fee items) from their respective 2010 update levels. No new fees are proposed in this proceeding. Therefore, the Board finds that notice and comment are unnecessary for this proceeding. See *Regulations Governing Fees For Services—1990 Update*, 7 I.C.C.2d 3 (1990); *Regulations Governing Fees For Services—1991 Update*, 8 I.C.C.2d 13

(1991); and *Regulations Governing Fees For Services—1993 Update*, 9 I.C.C.2d 855 (1993).

The Board concludes that the fee changes adopted here will not have a significant economic impact on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a free copy of the full decision, visit the Board's Web site at <http://www.stb.dot.gov> or call the Board's Information Officer at (202) 245-0245. Assistance for the hearing impaired is available through Federal Information Relay Services (FIRS): (800) 877-8339.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, and Freedom of information.

Decided: July 27, 2011.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

Jeffrey Herzig,
Clearance Clerk.

Code of Federal Regulations

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

* * * * *

■ 2. In § 1002.2, paragraph (f) is revised as follows:

§ 1002.2 Filing fees.

* * * * *

(f) *Schedule of filing fees.*

Type of proceeding	Fee
PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	\$4,400.
(2)(i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$2,000.
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered.	\$3,200.
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d)	\$2,600.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703.	\$27,500.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	\$4,600.
(ii) Minor amendment	\$100.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	\$500.
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family.	\$1,700.
(7)–(10) [Reserved].	
PART II: Rail Licensing Proceedings Other Than Abandonment or Discontinuance Proceedings:	
(11)(i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	\$7,200.
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	\$1,800.
(iii) Petition for exemption under 49 U.S.C. 10502	\$12,500.
(12)(i) An application involving the construction of a rail line	\$74,500.
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	\$1,800.
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	\$74,500.
(iv) A request for determination of a dispute involving a rail construction that crosses the line of another carrier under 49 U.S.C. 10902(d).	\$250.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii).	\$2,600.
(14)(i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	\$6,200.
(ii) Notice of exemption under 49 CFR 1150.41–1150.45	\$1,800.
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902.	\$6,600.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	\$1,600.
(16) An application for a land-use-exemption permit for a facility existing as of October 16, 2008 under 49 U.S.C. 10909.	\$6,000.
(17) An application for a land-use-exemption permit for a facility not existing as of October 16, 2008 under 49 U.S.C. 10909.	\$21,100.
(18)–(20) [Reserved].	
PART III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:	
(21)(i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments).	\$22,100.

Type of proceeding	Fee
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	\$3,600.
(iii) A petition for exemption under 49 U.S.C. 10502	\$6,300.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act.	\$450.
(23) Abandonments filed by bankrupt railroads	\$1,800.
(24) A request for waiver of filing requirements for abandonment application proceedings	\$1,800.
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	\$1,500.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned ...	\$22,600.
(27)(i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)	\$250.
(ii) A request to extend the period to negotiate a trail use agreement	\$450.
(28)–(35) [Reserved].	
PART IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	\$18,900.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	\$10,200.
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	\$1,488,500.
(ii) Significant transaction	\$297,700.
(iii) Minor transaction	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,700.
(v) Responsive application	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502	\$9,300.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	\$5,500.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$1,488,500.
(ii) Significant transaction	\$297,700.
(iii) Minor transaction	\$7,500.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,300.
(v) Responsive application	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502	\$9,300.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	\$5,500.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	\$1,488,500.
(ii) Significant transaction	\$297,700.
(iii) Minor transaction	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,100.
(v) Responsive application	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502	\$9,300.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	\$5,500.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	\$1,488,500.
(ii) Significant transaction	\$297,700.
(iii) Minor transaction	\$7,500.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	\$1,400.
(v) Responsive application	\$7,500.
(vi) Petition for exemption under 49 U.S.C. 10502	\$6,600.
(vii) A request for waiver or clarification of regulations filed in a major financial proceeding as defined at 49 CFR 1180.2(a).	\$5,500.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	\$2,400.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	\$69,700.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	\$12,900.
(ii) Minor amendment	\$100.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	\$750.
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.	\$8,000.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	\$250.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	\$250.
(49)–(55) [Reserved].	
PART V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1).	\$350.
(ii) A formal complaint involving rail maximum rates filed under the Simplified-SAC methodology.	\$350.
(iii) A formal complaint involving rail maximum rates filed under the Three Benchmark methodology	\$150.

Type of proceeding	Fee
(iv) All other formal complaints (except competitive access complaints)	\$350.
(v) Competitive access complaints	\$150.
(vi) A request for an order compelling a rail carrier to establish a common carrier rate	\$250.
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705.	\$8,800.
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	\$1,000.
(ii) All other petitions for declaratory order	\$1,400.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	\$7,000.
(60) Labor arbitration proceedings	\$250.
(61)(i) An appeal of a Surface Transportation Board decision on the merits or petition to revoke an exemption pursuant to 49 U.S.C. 10502(d).	\$250.
(ii) An appeal of a Surface Transportation Board decision on procedural matters except discovery rulings ...	\$350.
(62) Motor carrier undercharge proceedings	\$250.
(63)(i) Expedited relief for service inadequacies: A request for expedited relief under 49 U.S.C. 11123 and 49 CFR part 1146 for service emergency.	\$250.
(ii) Expedited relief for service inadequacies: A request for temporary relief under 49 U.S.C. 10705 and 11102, and 49 CFR part 1147 for service inadequacy.	\$250.
(64) A request for waiver or clarification of regulations except one filed in an abandonment or discontinuance proceeding, or in a major financial proceeding as defined at 49 CFR 1180.2(a).	\$550.
(65)–(75) [Reserved].	
PART VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	\$1,200.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements ...	\$100.
(78) The filing of tariffs, including supplements, or contract summaries	\$1 per page. (\$24 minimum charge).
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less	\$75.
(ii) Applications involving over \$25,000	\$150.
(80) Informal complaint about rail rate applications	\$600.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	\$75.
(ii) Petitions involving over \$25,000	\$150.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3).	\$200.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c).	\$41 per document.
(84) Informal opinions about rate applications (all modes)	\$250.
(85) A railroad accounting interpretation	\$1,100.
(86)(i) A request for an informal opinion not otherwise covered	\$1,400.
(ii) A proposal to use on a voting trust agreement pursuant to 49 CFR 1013 and 49 CFR 1180.4(b)(4)(iv) in connection with a major control proceeding as defined at 49 CFR 1180.2(a).	\$5,100.
(iii) A request for an informal opinion on a voting trust agreement pursuant to 49 CFR 1013.3(a) not otherwise covered.	\$500.
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	\$75.
(ii) Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
(iii) Third Party Complaint	\$75.
(iv) Third Party Answer (per defendant), Unless Declining to Submit to Any Arbitration	\$75.
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	\$150.
(88) Basic fee for STB adjudicatory services not otherwise covered	\$250.
(89)–(95) [Reserved].	
PART VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC agent	\$32 per delivery.
(97) Request for service or pleading list for proceedings	\$24 per list.
(98) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that:	
(i) Does not require a Federal Register notice:	
(A) Set cost portion	\$150.
(B) Sliding cost portion	\$47 per party.
(ii) Does require a Federal Register notice:	
(A) Set cost portion	\$400.
(B) Sliding cost portion	\$47 per party.
(99)(i) Application fee for the Surface Transportation Board's Practitioners' Exam	\$150.
(ii) Practitioners' Exam Information Package	\$25.
(100) Carload Waybill Sample data:	
(i) Requests for Public Use File for all years prior to the most current year Carload Waybill Sample data available, provided on CD–R.	\$250 per year.
(ii) Specialized programming for Waybill requests to the Board	\$112 per hour.

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[FR Doc. 2011-19416 Filed 8-2-11; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****[Docket No. FWS-R4-ES-2010-0059;
92220-1113-0000-C6]****RIN 1018-AW26****Endangered and Threatened Wildlife
and Plants; Removal of *Echinacea
tennesseensis* (Tennessee Purple
Coneflower) From the Federal List of
Endangered and Threatened Plants****AGENCY:** Fish and Wildlife Service,
Interior.**ACTION:** Final rule; availability of final
post-delisting monitoring plan.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or USFWS), are removing the plant *Echinacea tennesseensis* (commonly referred to as Tennessee purple coneflower) from the List of Endangered and Threatened Plants. This action is based on a thorough review of the best scientific and commercial data available, which indicate that this species has recovered and no longer meets the definition of threatened or endangered under the Endangered Species Act of 1973, as amended (Act). Our review of the status of this species shows that populations are stable, threats are addressed, and adequate regulatory mechanisms are in place so that the species is not currently, and is not likely to again become, an endangered species within the foreseeable future in all or a significant portion of its range. Finally, we announce the availability of the final post-delisting monitoring plan for *E. tennesseensis*.

DATES: This rule is effective on
September 2, 2011.**ADDRESSES:** Copies of the post-delisting
monitoring plan are available by request
from the Tennessee Ecological Services
Field Office (see **FOR FURTHER
INFORMATION CONTACT**) or online at:
<http://www.fws.gov/cookeville/> and
<http://www.regulations.gov>.**FOR FURTHER INFORMATION CONTACT:**
Mary E. Jennings, Field Supervisor, U.S.
Fish and Wildlife Service, Tennessee
Ecological Services Field Office, 446
Neal Street, Cookeville, TN 38501
(telephone 931/528-6481; facsimile
931/528-7075). Persons who use a
telecommunications device for the deaf(TDD) may call the Federal Information
Relay Service (FIRS) at 800/877-8339,
24 hours a day, 7 days a week.**SUPPLEMENTARY INFORMATION:****Previous Federal Actions**

Section 12 of the Act (16 U.S.C. 1531 *et seq.*) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27824) accepting the Smithsonian report as a petition to list taxa named therein under section 4(c)(2) [now 4(b)(3)] of the Act and announced our intention to review the status of those plants.

Echinacea tennesseensis was included in that report (40 FR 27873). Tennessee purple coneflower is the common name for *E. tennesseensis*; however, we will primarily use the scientific name of this species throughout this final rule.

On June 16, 1976, we published a proposed rule in the **Federal Register** (41 FR 24524) to designate approximately 1,700 vascular plant species, including *Echinacea tennesseensis*, as endangered under section 4 of the Act. On June 6, 1979, we published a final rule in the **Federal Register** (44 FR 32604) designating *E. tennesseensis* as endangered. The final rule identified the following threats to *E. tennesseensis*: Loss of habitat due to residential and recreational development; collection of the species for commercial or recreational purposes; grazing; no State law protecting rare plants in Tennessee; and succession of cedar glade communities in which *E. tennesseensis* occurred.

On February 14, 1983, we published the Tennessee Coneflower Recovery Plan (Service 1983, 41 pp.), a revision of which we published on November 14, 1989 (Service 1989, 30 pp.). On September 21, 2007, we initiated a 5-year status review of this species (72 FR 54057). On August 12, 2010, we published a proposed rule to remove *Echinacea tennesseensis* from the List of Endangered and Threatened Plants, provided notice of the availability of a post-delisting monitoring plan, and opened a 60-day public comment period (75 FR 48896).

Species Information

A member of the sunflower family (Asteraceae), *Echinacea tennesseensis* is a perennial herb with a long, fusiform (*i.e.*, thickened toward the middle and tapered towards either end), blackened root. In late summer, the species bears showy purple flower heads on one-to-many hairy branches. Linear to lance-shaped leaves up to 20 centimeters (cm;

8 inches (in.)) long and 1.5 cm (0.6 in.) wide arise from the base of *E. tennesseensis* and are beset with coarse hairs, especially along the margins. The ray flowers (*i.e.*, petals surrounding the darker purple flowers of the central disc) are pink to purple and spread horizontally or arch slightly forward from the disc to a length of 2–4 cm (0.8–1.8 in.).

The following description of this species' life history is summarized from Hemmerly (1986, pp. 193–195): Seeds are shed from plants during fall and winter and begin germinating in early March of the following year, producing numerous seedlings by late March. Most of the seedling growth occurs during the first 6 or 7 weeks of the first year, during which plants will grow to a height of 2–3 cm (0.8–1.2 in) or less. Plants remain in a rosette stage and root length increases rapidly during these weeks. Plants can reach sexual maturity by the middle of their second growing season and only small losses in seed viability have been observed after a period of 5 years in dry storage (Hemmerly 1976, p. 17). However, Baskin and Baskin (1989, p. 66) suggest that *Echinacea tennesseensis* might not form persistent seed banks, based on results of field germination trials. Individuals of *E. tennesseensis* can live up to at least 6 years, but the maximum lifespan is probably much longer (Baskauf 1993, p. 37).

Echinacea tennesseensis was first collected in 1878 in Rutherford County, Tennessee, by Dr. A. Gattinger and later described by Beadle (1898, p. 359) as *Brauneria tennesseensis* on the basis of specimens collected by H. Eggert in 1897 from "a dry, gravelly hill" near the town of LaVergne. Fernald (1900, pp. 86–87) did not accept Beadle's identification of *B. tennesseensis* as a distinct species, instead he merged it with the more widespread *E. angustifolia*. This treatment was upheld by many taxonomists until McGregor (1968, pp. 139–141) classified the taxon as *E. tennesseensis* (Beadle) Small, based on examination of materials from collections discussed above and from collections by R. McVaugh in 1936. As McGregor (1968, p. 141) was unable to locate any plants while conducting searches during the months of June through August, 1959–1961, he concluded that the species was very rare or possibly extinct in his monograph of the genus *Echinacea*. The species went unnoticed until its rediscovery in a cedar glade in Davidson County as reported by Baskin *et al.* (1968, p. 70), and subsequently in Wilson County by Quarterman and Hemmerly (1971, pp. 304–305), who also noted that the area