

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

[Docket #WA-01-006; FRL-7267-9]

Approval and Promulgation of Air Quality Implementation Plans; State of Washington; Yakima Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: On September 26, 2001, the State of Washington submitted a request to redesignate the Yakima "not classified" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The State also submitted a CO maintenance plan for Yakima. In this action, EPA is proposing to approve the Yakima CO redesignation request and the maintenance plan. In the Final Rules Section of this **Federal Register**, EPA is approving the State's redesignation request and State Implementation Plan (SIP) revision, involving the maintenance plan, as a direct final rule without prior proposal because the Agency views the redesignation and SIP revision as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by December 2, 2002.

ADDRESSES: *Written comments may be mailed to:* Steven K. Body, Office of Air Quality, EPA Region 10, 1200 Sixth Ave., Seattle, WA 98101.

Copies of the documents relevant to this action are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday at the following office: United States Environmental Protection Agency, Region 10, Office of Air Quality, 1200 Sixth Ave., Seattle WA 98101.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, Office of Air Quality,

EPA Region 10, 1200 Sixth Ave. Seattle WA 98101. Telephone at (206) 553-0782.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule, of the same title, published in the rules section of this **Federal Register**.

Dated: August 12, 2002.

Ronald A. Kreizenbeck,
Acting Regional Administrator, Region 10.
[FR Doc. 02-27834 Filed 10-31-02; 8:45 am]
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DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Part 171**

[Docket No. RSPA-99-5013 (HM-229)]

RIN 2137-AD21**Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Notice of proposed rulemaking; status.

SUMMARY: In a notice of proposed rulemaking (NPRM) published on July 3, 2001, RSPA (we) proposed changes to RSPA's Hazardous Materials Incident Report (DOT Form F 5800.1). This notice is to inform the public that we have contracted with a professional form development contractor to provide recommendations for the layout of the form consistent with RSPA's goals outlined in the NPRM. Also, the contractor will provide a web-based form to fulfill RSPA's goal of electronic, internet-based reporting and will draft detailed instructions to assist in completing the forms. Members of the regulated community may be contacted to participate in focus groups to test the proposed form and subsequent alternative layouts developed by the contractor. The contract is expected to be completed by December 31, 2002.

FOR FURTHER INFORMATION CONTACT: For comments or questions concerning the contract discussed in this update, contact Ron DiGregorio at the Office of Hazardous Materials Planning and Analysis, telephone (202) 366-4484, Research and Special Programs Administration. For comments or questions concerning the NPRM or rulemaking, contact Michael Johnsen at the Office of Hazardous Materials

Standards, telephone (202) 366-8553 or Kevin Coburn, at the Office of Hazardous Materials Planning & Analysis, telephone (202) 366-4555, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:**I. Background**

On July 3, 2001, RSPA ("we") published an NPRM (66 FR 35155) proposing revisions to the incident reporting requirements of the Hazardous Materials Regulations and the hazardous materials incident report form, DOT Form F 5800.1. Our intent is to improve the clarity of the form to make it more user-friendly and to allow for electronic scanning of the form.

We included a proposed revision to DOT Form F 5800.1 in the NPRM that incorporated elements found in recent versions of the U.S. Census form and other government forms that are subjected to scanning for electronic data storage, retrieval and analysis. We received several comments concerning the layout of the form, which will be addressed in the final rule. However, we believe that the recommendations of a company well experienced in developing these types of forms could further improve the usefulness of the form. The contractor will consider incorporating recommendations on the format from commenters into its suggested layouts. RSPA will review the suggestions submitted by the contractor in addition to comments received in response to the NPRM, during the development of the revised form that will be part of the final rule.

It is important to note that the final content (*i.e.*, specific information which will be reported) of the form will be determined by RSPA. The contractor will use the content of the proposed form as published in the NPRM and will maintain the data elements as they appear in the proposed form, though wording and order of the questions may vary.

RSPA seeks to compile an accurate database of incidents meeting the criteria specified in § 171.16. A form that can be completed easily and accurately will assist us in compiling accurate data and reduce the information collection burden on the regulated community.

A comprehensive set of instructions for completing the form will answer questions a filer may have without requiring the filer to contact us directly. Clear and concise instructions will also improve the accuracy of the data submitted by providing examples and explanations for each of the questions posed on the form.

We believe that a web-based DOT Form F 5800.1 that can be completed online is essential to our efforts for reducing burden on members of the regulated community and obtaining accurate reporting data. It also assists us in meeting our obligations under the Government Paperwork Elimination Act to accept electronic documents for transactions conducted with the public and regulated communities. In addition to reducing paperwork and postage costs, the on-line version of the form will include logic patterns to minimize accidental errors and remove non-required questions, as the form will "respond" to the data entered into it. This will reduce the time required to complete the form.

RSPA retains final authority as to the format and content of the incident report form.

Issued in Washington, DC, on October 28, 2002.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 02-27852 Filed 10-31-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AG96

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Delphinium bakeri* and *Delphinium luteum* (Baker's and Yellow Larkspur)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of availability of draft economic analysis; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft economic analysis for the proposed designation of critical habitat for *Delphinium bakeri* (Baker's larkspur) and *Delphinium luteum* (yellow larkspur) located in Marin and Sonoma counties, California. We are reopening the comment period for the proposal to designate critical habitat for these species to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this extended comment

period, and will be fully considered in the final rule.

DATES: We will accept comments on both the draft economic analysis and the proposed critical habitat designation until December 2, 2002.

ADDRESSES: Written comments and information should be submitted to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825. For the electronic mail address, and further instructions on commenting, refer to Public Comments Solicited section of this notice.

FOR FURTHER INFORMATION CONTACT: Glen Tarr, at the address above (telephone 916/414-6600; facsimile 916/414-6710).

SUPPLEMENTARY INFORMATION:

Background

Delphinium bakeri and *Delphinium luteum* (Baker's and yellow larkspur) are perennial herbs in the buttercup family (Ranunculaceae) endemic to (native and restricted to) Sonoma and Marin counties in California. *Delphinium bakeri* produces dark blue or purplish flowers in April and May, while *D. luteum* produces bright yellow flowers from March to May.

We listed both plants as endangered species under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) on January 6, 2000 (65 FR 4156). On June 18, 2002, we proposed six critical habitat units for the plants, totaling 1,786 hectares (ha) (4,412 acres (ac)) (67 FR 41367). For *Delphinium bakeri*, we proposed two units in Sonoma and Marin counties, California totaling 740 ha (1,828 ac), while for *D. luteum*, we proposed four units in Sonoma and Marin counties totaling 1,046 ha (2,584 ac). All of the area proposed as critical habitat is in private ownership.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4(b)(2) of the Act requires that the Secretary of the Interior shall designate or revise critical habitat based upon the best scientific and commercial data available, after taking into consideration the economic impact of specifying any particular area as critical habitat.

The public comment period for the June 18, 2002, proposal originally closed on August 19, 2002. We have prepared a draft economic analysis on the effects of the proposed critical habitat designation, and are now

announcing its availability for review. The draft analysis estimates the foreseeable economic impacts of the critical habitat designation on government agencies and private businesses and individuals. Reopening of the comment period will provide the public an opportunity to evaluate and comment on both the proposed rule and the draft economic analysis. Comments already submitted on the proposed designation of critical habitat for *Delphinium bakeri* and *D. luteum* do not need to be resubmitted as they will be fully considered in the final determinations.

Public Comment Solicited

The final economic analysis concerning the designation of critical habitat for *Delphinium bakeri* and *D. luteum* will consider information and recommendations from all interested parties. We will accept written comments and information during this reopened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

You may mail or hand-deliver written comments and information to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825. Hand deliveries must be made during normal business hours.

You may also send comments by electronic mail (e-mail) to: fw1bakers_yellow_larkspur@fws.gov.

Hand-delivered or mailed comments and information should be submitted to the Sacramento Fish and Wildlife Office, as found in the **ADDRESSES** section. Comments and information submitted by e-mail should be addressed to fw1bakers_yellow_larkspur@fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include a return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Sacramento Fish and Wildlife Office at telephone number 916/414-6600, during normal business hours.

We solicit comments or suggestions from the public, other concerned governmental agencies, tribes, the scientific community, industry, or any other interested parties concerning the proposal or the draft economic analysis. We particularly seek comments concerning: