

Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

#### *I. National Technology Transfer Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. We welcome comments on this aspect of the proposed rulemaking and, specifically, invite the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

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

Executive Order 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. The requirements of Executive Order 12898 have been previously addressed to the extent practicable in the Regulatory Impact Analysis (RIA) for the regional haze rule (cited above), particularly in chapters 2 and 9 of the RIA. This proposed rule makes no changes that would have a disproportionately high and adverse human health or environmental effect on minorities and low-income populations.

#### **IV. Statutory Provisions and Legal Authority**

Statutory authority for today's proposed rule comes from sections 169(a) and 169(b) of the CAA (42 U.S.C.

7545(c) and (k)). These sections require EPA to issue regulations that will require States to revise their SIPs to ensure that reasonable progress is made toward the national visibility goals specified in section 169(A).

#### **List of Subjects in 40 CFR Part 51**

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Nitrogen dioxide, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: June 27, 2003.

**Christine Todd Whitman,**  
*Administrator.*

For the reasons set forth in the preamble, part 51 of title 40, Chapter 1 of the Code of Federal Regulations is proposed to be amended as follows:

#### **PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS**

1. The authority citation for part 51 continues to read as follows:

**Authority:** 42 U.S.C. 7410, 7414, 7421, 7470-7479, 7492, 7601, and 7602.

#### **Subpart P—Protection of Visibility**

2. Section 51.309 is amended by revising paragraphs (b)(6) and (d)(5)(i), deleting paragraphs (d)(ii) and (d)(iii), and renumbering (d)(iv) to (d)(ii), to read as follows:

#### **§ 51.309 Requirements related to the Grand Canyon Visibility Transport Commission.**

\* \* \* \* \*

(b)(6) *Continuous decline in total mobile source emissions* means that the projected level of emissions from mobile sources of each listed pollutant in 2008, 2013, and 2018, are less than the projected level of emissions from mobile sources of each listed pollutant for the previous period (i.e., 2008 less than 2003; 2013 less than 2008; and 2018 less than 2013).

\* \* \* \* \*

(d)(5)(i) Statewide inventories of onroad and nonroad mobile source emissions of VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, elemental carbon, and organic carbon for the years 2003, 2008, 2013, and 2018.

(A) The inventories must demonstrate a continuous decline in total mobile source emissions (onroad plus nonroad; tailpipe and evaporative) of VOC, NO<sub>x</sub>, PM<sub>2.5</sub>, elemental carbon, and organic carbon, evaluated separately. If the inventories show a continuous decline in total mobile source emissions of each

of these pollutants over the period 2003–2018, no further action is required as part of this plan to address mobile source emissions of these pollutants. If the inventories do not show a continuous decline in mobile source emissions of one or more of these pollutants over the period 2003–2018, the plan submission must provide for an implementation plan revision by no later than December 31, 2008 containing any necessary long-term strategies to achieve a continuous decline in total mobile source emissions of the pollutant(s), to the extent practicable, considering economic and technological reasonableness and federal preemption of vehicle standards and fuel standards under title II of the CAA.

(B) The plan submission must also provide for an implementation plan revision by no later than December 31, 2008 containing any long-term strategies necessary to reduce emissions of SO<sub>2</sub> from nonroad mobile sources, consistent with the goal of reasonable progress. In assessing the need for such long-term strategies, the State may consider emissions reductions achieved or anticipated from any new Federal standards for sulfur in nonroad diesel fuel.

(ii) [text of (iv) retained same as before]

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#### **DEPARTMENT OF THE INTERIOR**

#### **Fish and Wildlife Service**

#### **50 CFR Part 17**

**RIN 1018-A168**

#### **Endangered and Threatened Wildlife and Plants; Listing of the Central California Distinct Population Segment of the California Tiger Salamander; Reclassification of the Sonoma County and Santa Barbara County Distinct Populations From Endangered to Threatened; Special Rule**

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

**ACTION:** Proposed rule; extension of comment period and notice of public hearings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are extending the comment period on a proposed rule that would: (1) List the Central California distinct population segment (DPS) of the California Tiger Salamander (*Ambystoma californiense*) as a threatened species under the Endangered Species Act of 1973, as

amended (Act) (16 U.S.C. 1531 *et seq.*); (2) reclassify the Sonoma County and Santa Barbara County DPSs of the California Tiger Salamander from endangered to threatened; and (3) exempt, under section 4(d) of the Act, existing routine ranching activities on private or Tribal lands from section 9 prohibitions for the three DPSs of the California tiger salamander. 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. We are also providing two additional public hearings to receive oral comments on this proposed rule.

**DATES:** Comments and information from all interested parties will be accepted until 5 p.m. on September 22, 2003. We will hold public hearings at the following times:

(1) Tuesday, July 29, 2003, in Santa Rosa, California. Two sessions: 1 p.m. until 3 p.m. and 6 p.m. until 8 p.m. Registration will begin at 12:30 p.m. for the afternoon session and at 5:30 p.m. for the evening session.

(2) Thursday, July 31, 2003, in Santa Maria, California. Two sessions: 1 p.m. until 3 p.m. and 6 p.m. until 8 p.m.. Registration will begin at 12:30 p.m. for the afternoon session and at 5:30 p.m. for the evening session.

**ADDRESSES:**

(1) You may submit written comments to the Field Supervisor (Attn: CTS), U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825.

(2) You may send comments by electronic mail (e-mail) to: [catiger@R1.fws.gov](mailto:catiger@R1.fws.gov). See the "Public Comments Solicited" section below for file format and other information on electronic filing.

(3) You may hand-deliver comments to our Sacramento Fish and Wildlife Office at the address above.

(4) You may make oral comments at a public hearing. Such oral comments will be transcribed and given weight equal to that of written comments.

We will hold public hearings at the Flamingo Resort Hotel and Conference Center, 2777 Fourth St., Santa Rosa, CA, and at the Radisson Hotel Santa Maria, 3455 Skyway Dr., Santa Maria, CA.

Comments and materials received, as well as supporting documentation used in the preparation of the proposed rule, will be available for public inspection,

by appointment, during normal business hours, at the above address. You may obtain copies of the proposed rule from the above address, by calling (916) 414-6600, or from our Web site at <http://sacramento.fws.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Adam Zerrenner or Glen Tarr, Sacramento Fish and Wildlife Office, 2800 Cottage Way Room W-2605, Sacramento, CA 95825 (telephone (916) 414-6600, facsimile (916) 414-6713, or visit our Web site at <http://sacramento.fws.gov>). Information regarding this proposal is available in alternative formats upon request.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 23, 2003, we published a proposed rule to list the central California DPS of the California tiger salamander as a threatened species (68 FR 28647). The rule also proposed to reclassify the Sonoma County and Santa Barbara County DPSs from endangered to threatened, and to exempt, under section 4(d) of the Act, existing routine ranching activities from "take" prohibitions under section 9 of the Act for the three DPSs. For further information regarding background biological information, previous Federal actions, factors affecting the subspecies, and conservation measures available to these three DPSs of the California tiger salamander, please refer to this proposed rule.

**Public Comments Solicited**

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we are soliciting comments from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We are particularly seeking comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the California tiger salamander;

(2) The location of any additional subpopulations or breeding sites of this species, and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population sizes of this species;

(4) Current or planned activities or land use practices in the subject area

and their possible impacts on this animal; and

(5) Additional information pertaining to the promulgation of a special rule to exempt from section 9 take prohibitions existing routine ranching practices located on private and Tribal lands.

Previously submitted comments need not be resubmitted. If you submit comments by electronic mail (e-mail), please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: RIN 1018-AI68" and your name and 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 the Sacramento Fish and Wildlife Office (see **ADDRESSES**).

Anyone wishing to make an oral comment or statement for the record at one of the hearings listed above is encouraged (but not required) to also provide a written copy of the statement and present it to us at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed, faxed, or e-mailed to us. Legal notices announcing the date, time, and location of the public hearing will be published in newspapers concurrently with this **Federal Register** notice.

Persons needing reasonable accommodations in order to attend and participate in a public hearing should contact Patti Carroll at 503/231-2080 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the hearing date.

**Author**

The primary authors of this notice are Chris Nagano, Chief, Endangered Species Division and Glenn Tarr, Acting Chief, Listing Branch (see **ADDRESSES**).

**Authority**

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 19, 2003.

**Thomas O. Melius,**

*Acting Director, Fish and Wildlife Service.*

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