Rules and Regulations

Federal Register
Vol. 67, No. 44
Wednesday, March 6, 2002

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–66; Amendment 39–12649; AD 2002–03–08]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines, Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 2002–03–08, applicable to Pratt & Whitney (PW) PW4000 series turbofan engines, that was published in the **Federal Register** on February 15, 2002 (67 FR 7061). An engine model number was inadvertently omitted from the regulatory information. This document corrects that omission. In all other respects, the original document remains the same.

EFFECTIVE DATE: April 16, 2002.

FOR FURTHER INFORMATION CONTACT: Robert McCabe, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7138, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A final rule AD applicable to Pratt & Whitney (PW) Model PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, PW4650, PW4164, PW4168, PW4168A, PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, and PW4098 turbofan engines, installed on but not limited to Airbus A300, A310, and A330 series, Boeing 747, 767, and 777 series, and McDonnell Douglas MD–11 series airplanes was published in the **Federal Register** on February 15, 2002 (67 FR 7061). This AD superseded an AD that applied to the PW4090–3 model as well. The PW4090–3 model was included in the Notice of Proposed Rulemaking and inadvertently left out of the final rule. The following correction is needed:

§ 39.13 [Corrected]

On page 7062, in the Regulatory Information, in the sixth line of the third column, the engine model applicability is corrected to read ''PW4090, PW4090–3, PW4090D, and PW4098 turbofan.'' Also, on page 7062, in the Regulatory Information, in the third column, the thirteenth line of paragraph (a) is corrected to read ''PW4090–3, PW4090D, and PW4098 series turbofan.''

Issued in Burlington, MA, on February 25, 2002.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–5260 Filed 3–5–02; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME065–7014a; A–1–FRL–7152–1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine on June 7, 2000 and May 29, 2001, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in southern Maine which includes York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln Counties. Maine has developed these fuel requirements to reduce emissions of volatile organic compounds (VOC) in accordance with the requirements of the Clean Air Act (CAA). EPA is approving Maine's fuel requirements into the Maine SIP because EPA has found that the requirements are necessary for southern Maine to achieve the national ambient air quality standard (NAAQS) for ozone. The intended effect of this action is to approve Maine's request to control the RVP of fuel in these seven southern counties. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on April 5, 2002.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M–1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge at (617) 918–1045.

SUPPLEMENTARY INFORMATION: On December 6, 2001 (66 FR 63343), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Maine. The NPR proposed approval of a State Implementation Plan (SIP) revision submitted by the State of Maine on June 7, 2000 and May 29, 2001, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in southern Maine which includes York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln Counties.

The rule as amended requires that beginning May 1, 1999 through September 15, 1999, and each May 1 through September 15 thereafter, no gasoline may be sold with an RVP greater than 7.8 pounds per square inch (psi) in the counties of York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln. The State's low-RVP rule is codified in Chapter 119 of the Maine Department of Environmental Protection's regulations, entitled ''Motor Vehicle Fuel Volatility Limit.'' Other specific requirements of the rule and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine on June 7, 2000 and May 29, 2001, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in southern Maine which includes York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln Counties.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does 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).

This rule also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

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 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 2002. 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. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: February 21, 2002.

Robert W. Varney,

Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(49) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(49) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 7, 2000 and May 29, 2001.

(i) Incorporation by reference.

Maine Chapter 119, entitled ''Motor Vehicle Fuel Volatility Limit'' as amended and effective on June 1, 2000.

(ii) Additional materials:

(A) Letter from the Maine Department of Environmental Protection dated June 7, 2000 submitting Chapter 119 as a revision to the Maine State Implementation Plan.

(B) Letter from the Maine Department of Environmental Protection dated May 29, 2001 submitting additional technical support and an enforcement plan for Chapter 119 as an amendment to the State Implementation Plan.

3. In § 52.1031 Table 52.1031 is amended by revising the existing state citation 119 to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	
*	*	*	*	*	*	*
119	Motor Vehicle Fuel Volatility Limit.	6/1/00	3/6/02	[Insert FR citation from published date].	(c)(49)	Controls fuel volatility in the State. 7.8 psi RVP fuel required in 7 southern counties.
*	*	*	*	*	*	*

Note. 1. The regulations are effective statewide unless stated otherwise in comments section.

[FR Doc. 02–5185 Filed 3–5–02; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG04

Endangered and Threatened Wildlife and Plants; Endangered Status for the Buena Vista Lake Shrew (*Sorex Ornatus Relictus*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Buena Vista Lake shrew (*Sorex ornatus relictus*). This subspecies is endemic to Kern County, California, and is currently known from only four locations. This subspecies is imperiled primarily by habitat loss and modification due to agricultural activities, unnatural 1 hydrological conditions, incompatible water management practices, the possible toxic effects of selenium poisoning, modification or loss of genetic integrity from introgression (hybridization), and the loss of populations caused by random naturally occurring events. This final rule extends the Federal protection and recovery provisions of the Act for the Buena Vista Lake shrew.

DATES: This final rule is effective April 5, 2002.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Rm W–2605, Sacramento, CA 95825–1888.

FOR FURTHER INFORMATION CONTACT: Jan Knight, Chris Nagano, or Dwight Harvey, Sacramento Fish and Wildlife Office, at the above address (telephone 916/414–6600; facsimile 916/414–6710).

SUPPLEMENTARY INFORMATION:

Background

The Buena Vista Lake shrew (*Sorex ornatus relictus*) is one of nine subspecies of ornate shrew, eight of which are known to occur in California (Hall 1981; Owen and Hoffmann 1983; Maldonado 1992; Wilson and Reeder 1993; Jesús Maldonado, University of California-Los Angeles, in litt. 2000). Ornate shrews belong to the family Soricidae (long-tailed shrews) in the order Insectivora (Hall 1981; Junge and Hoffmann 1981; Owen and Hoffmann 1983; George 1988; Churchfield 1990). There are 27 species in the genus Sorex, and they are distributed throughout a large portion of North and Central America (Jackson 1928; Repenning 1967; Corbet and Hill 1980; Hall 1981; Churchfield 1990).

Shrews are primarily insectivorous mammals about the size of a mouse. They vary in color from black or brown, to grey, have long pointed snouts, five toes on each foot, tiny bead-like eyes, soft fur, visible external ears, and a scaly, well-developed tail covered with very short hairs (Ingles 1965; Vaughan 1978; Jamerson and Peeters 1988; Churchfield 1990). Shrews are active during the day and night but are rarely seen due to their small size and cryptic behavior. A few species of shrews can enter a daily state of inactivity (torpor) under extreme environmental conditions (Ingles 1965; Churchfield 1990), such as very low ambient temperatures. Shrews do not hibernate.

Grinnell (1932) was the first to describe the Buena Vista Lake shrew. According to Grinnell's description, the Buena Vista Lake shrew's back is predominantly black with a buffy-brown speckling pattern, its sides are more buffy-brown than the upper surface, and its underside is smoke-gray. The tail is faintly bicolor and blackens toward the end. The Buena Vista Lake shrew weighs approximately 4 grams (0.14 ounces) (Kathy Freas, Stanford University, pers. comm., 1994) and has a total length ranging from 98 to 105 millimeters (mm) (3.85 to 4.13 inches (in)) with a tail length of 35 to 39 mm (1.38 to 1.54 in) (Grinnell 1932). The Buena Vista Lake shrew differs from its geographically closest subspecies, the Southern California ornate shrew (*Sorex ornatus* spp. *ornatus*), by having darker, grayish-black coloration, rather than brown. In addition, the Southern California ornate shrew has a slightly larger body size; shorter tail; skull with a shorter, heavier rostrum (snout); and a higher, more angular brain-case in dorsal (top) view (Grinnell 1932).

Shrews have a high rate of metabolism because of their small size (Newman and Rudd 1978; McNab 1991). They lose heat rapidly from the surface of their small bodies, and are continually faced with the problem of getting enough food to maintain their body temperatures, especially in cold conditions (Aitchison 1987; Genoud 1988). Shrews feed indiscriminately on the available larvae and adults of several species of aquatic and terrestrial insects, some of which are detrimental to agricultural crops (Holling 1959; Ingles 1965; Newman 1970; Churchfield 1990). They are also known to consume spiders, centipedes, slugs, snails, and earthworms (Jamerson and Peeters 1988) on a seasonally available basis (Aitchison 1987).

Little is known about the reproduction or longevity of Buena Vista Lake shrews. Shrews, on the average, rarely live more than 12 months, and each generation is largely replaced annually (Rudd 1955b). For Buena Vista Lake shrews, the breeding season begins in February or March, and ends with the onset of the dry season in May or June, or may extend later in the