

**SUPPLEMENTARY INFORMATION:****Electronic Access**

You can view and download this document by going to the web page of the Department's Docket Management System (<http://dms.dot.gov>). On that page, click on "search." On the next page, type in the last four digits of the docket number that appears in the heading of this document. Then click on "search." An electronic copy of this document may also be downloaded from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661 by using a computer, modem, and suitable communications software. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>.

**Background**

Section 5001 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107, 419, Authorizations and Appropriations, provides funding for transportation research authorized to be appropriated out of the Highway Trust Fund. Subsection 5001(a) provides for sums that are authorized be appropriated for seven categories of transportation research and subsection 5001(b) provides that these funds shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Subsection 5001(b) also states that the Federal share of the cost of the project or activity carried out using these funds shall be 80 percent, unless otherwise expressly provided in title 5 of the TEA-21 or otherwise determined by the Secretary with respect to a project or activity.

In this action, the Secretary delegates to the Federal Highway Administrator the authority to determine a Federal share of the costs, other than 80 percent, for FHWA transportation research projects or activities that are funded under section 5001 of TEA-21. The Federal Highway Administrator is delegated this authority only with respect to the use of section 5001(b) funds for FHWA projects and activities, and exercises no authority with regard to cost share determinations with respect to projects or activities administered by the other U.S. Department of Transportation operating administrations. The reason for the delegation is that the FHWA has the expertise and staff to carry out these programs and make funding decisions according to the statutory requirements.

The FHWA's Office of Acquisition Management approves the cooperative agreements to which this cost sharing provision applies. Additionally, the FHWA works with the smaller entities, such as not-for-profit organizations and universities, on a regular basis and is familiar with which organizations have the ability to cost share and which ones do not.

**Notice and Comment Exemption**

Since this rule relates to Departmental organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b).

**Justification for Immediate Adoption**

Certain programs and activities are to be conducted over the course of a given fiscal year, and this delegation of authority assists the FHWA in ensuring the use of those funds during that year for transportation research. This amendment enhances the FHWA's ability to meet statutory deadlines in order that funds do not lapse. Since the rule expedites the Federal Highway Administration's ability to administer the Highway Research Program, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

For the reasons set forth in the preamble, the Office of the Secretary of Transportation amends 49 CFR part 1 as follows:

**PART 1—[AMENDED]**

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

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748.

2. In § 1.48, add paragraph (oo) to read as follows:

**§ 1.48 Delegations to Federal Highway Administrator.**

\* \* \* \* \*

(oo) Exercise the authority vested in the Secretary by subsection 5001(b) of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107, 420, titled Applicability of Title 23, United States Code to determine a Federal share of the costs, other than 80 percent, for a transportation research project or activity administered by the FHWA that is funded under section 5001 of TEA-21. This authority may be redelegated.

Issued on this 29th day of July, 2002.

**Norman Y. Mineta,**

*Secretary, U.S. Department of Transportation.*  
[FR Doc. 02-20000 Filed 8-9-02; 8:45 am]

**BILLING CODE 4910-62-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

**RIN 1018-AH08**

**Endangered and Threatened Wildlife and Plants; Designating Critical Habitat for Plant Species From the Island of Molokai, HI**

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

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

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designations of critical habitat for plant species from the island of Molokai, Hawaii. We are also providing notice of the reopening of the comment period for the proposal to determine prudence and to designate critical habitat for these plants to allow peer reviewers and 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 reopened comment period and will be fully considered in preparation of the final rule.

**DATES:** We will accept public comments until September 11, 2002.

**ADDRESSES:** Written comments and information should be submitted to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., PO Box 50088, Honolulu, HI 96850-0001. For further instructions on commenting, refer to Public Comments Solicited section of this document.

**FOR FURTHER INFORMATION CONTACT:** Paul Henson, Field Supervisor, Pacific Islands Office, at the above address (telephone: 808/541-3441; facsimile: 808/541-3470).

**SUPPLEMENTARY INFORMATION:****Background**

A total of 51 plant species historically found on Molokai were listed as endangered or threatened species under

the Endangered Species Act of 1973, as amended (Act), between 1991 and 1999. Sixteen of these species are endemic to the island of Molokai, while 35 species are reported from one or more other islands, as well as Molokai.

In other published proposals we proposed that critical habitat was prudent for 48 of the 51 species (*Adenophorus periens*, *Alectryon macrococcus*, *Bidens wiebkei*, *Bonamia menziesii*, *Brighamia rockii*, *Canavalia molokaiensis*, *Centaurium sebaeoides*, *Clermontia oblongifolia* ssp. *brevipes*, *Ctenitis squamigera*, *Cyanea dunbarii*, *Cyanea grimesiana* ssp. *grimesiana*, *Cyanea mannii*, *Cyanea procera*, *Cyperus trachysanthos*, *Diellia erecta*, *Diplazium molokaiense*, *Eugenia koolauensis*, *Flueggea neowawraea*, *Hedyotis mannii*, *Hesperomannia arborescens*, *Hibiscus arnottianus* ssp. *immaculatus*, *Hibiscus brackenridgei*, *Ischaemum byrone*, *Isodendron pyrifolium*, *Labordia triflora*, *Lysimachia maxima*, *Mariscus fauriei*, *Marsilea villosa*, *Melicope mucronulata*, *Melicope reflexa*, *Neraudia sericea*, *Peucedanum sandwicense*, *Phyllostegia mannii*, *Phyllostegia mollis*, *Plantago princeps*, *Platanthera holochila*, *Pteris lidgatei*, *Schiedea lydgatei*, *Schiedea nuttallii*, *Schiedea sarmentosa*, *Sesbania tomentosa*, *Silene alexandri*, *Silene lanceolata*, *Spermolepis hawaiiensis*, *Stenogyne bifida*, *Tetramolopium rockii*, *Vigna o-wahuensis*, and *Zanthoxylum hawaiiense*) from the island of Molokai (65 FR 66808, 65 FR 79192, 65 FR 82086, 65 FR 83158, 67 FR 3940, 67 FR 9806, 67 FR 16492). In addition, we proposed that critical habitat was not prudent for *Pritchardia munroi* because it would likely increase the threats from vandalism or collection of this species on Molokai (65 FR 83158). At the time we listed *Labordia triflora* and *Melicope munroi* we determined that the designation of critical habitat was prudent for these two taxa from Molokai (64 FR 48307).

In the April 5, 2002, revised prudency and critical habitat proposal, we proposed critical habitat for 46 of the 51 species from the island of Molokai (67 FR 16492). Critical habitat was not proposed for 4 of the 51 species (*Bonamia menziesii*, *Cyperus trachysanthos*, *Melicope munroi*, and *Solanum incompletum*) which no longer occur on the island of Molokai and for which we are unable to identify any habitat that is essential to their conservation on the island of Molokai. Critical habitat was not proposed for *Pritchardia munroi* for the reasons given above.

We have proposed to designate a total of 10 critical habitat units covering approximately 17,614 hectares (ha) (43,532 acres (ac)) on the island of Molokai.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Act (16 U.S.C. 1531 *et seq.*) with regard to actions carried out, funded, or authorized by a Federal agency. Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available, and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for plant species from Molokai, and comments received during the previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designations. The draft economic analysis is available on the Internet and from the mailing address in the Public Comments Solicited section below.

#### Public Comments Solicited

We will accept written comments and information during this re-opened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., PO Box 50088, Honolulu, HI 96850-0001.

(2) You may send comments by electronic mail (e-mail) to: [Molokai\\_Crithab@r1.fws.gov](mailto:Molokai_Crithab@r1.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 "Attn: RIN 1018-AH08" and your name and 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 Honolulu Fish and Wildlife Office at telephone number 808/541-3441.

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

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for inspection, by appointment, during normal business hours at the address under (1) above. Copies of the draft economic analysis

are available on the Internet at <http://pacificislands.fws.gov> or by request from the Field Supervisor at the address and phone number under (1 and 2) above.

#### Author(s)

The primary author of this notice is John Nuss, U.S. Fish and Wildlife Service, Regional Office, 911 NE 11th Avenue, 4th floor, Portland, OR 97232-4181.

#### Authority

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

Dated: August 1, 2002.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 02-20340 Filed 8-9-02; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF96

#### Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status and Reintroduction of Four Fishes in the Tellico River

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

**ACTION:** Final rule.

**SUMMARY:** We, the Fish and Wildlife Service (Service), plan to reintroduce two federally listed endangered fishes—the duskytail darter (*Etheostoma percnurum*) and smoky madtom (*Noturus baileyi*)—and two federally listed threatened fishes—the yellowfin madtom (*Noturus flavipinnis*) and spotfin chub (=turquoise shiner) (*Cyprinella* (=Hybopsis) *monacha*)—into the Tellico River, between the backwaters of the Tellico Reservoir (approximately Tellico River mile (TRM) 19 (30.4 kilometers (km))) and TRM 33 (52.8 km), near the Tellico Ranger Station, Monroe County, Tennessee.

These reestablished populations will be classified as nonessential experimental populations (NEPs) in accordance with section 10(j) of the Endangered Species Act of 1973, as amended (Act). Based on an evaluation by species experts, none of these species are currently known to exist in this river reach or its tributaries.