

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA 260-0339b; FRL-7174-6]

Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Tehama County Air Pollution Control District (TCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern Oxides of Nitrogen (NO_x) emissions from industrial, institutional, and commercial boilers, steam generators, process heaters, and stationary gas turbines. We are proposing to approve local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by June 13, 2002.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 1001 "I" Street,
Sacramento, CA 95812

Tehama County Air pollution Control
District, P.O. Box 38 (1750 Walnut
St.), Red Bluff, CA 96008-0038.

FOR FURTHER INFORMATION CONTACT:
Charnjit Bhullar, Rulemaking Office
(AIR-4), U.S. Environmental Protection
Agency, Region IX, (415) 972-3960.

SUPPLEMENTARY INFORMATION: This proposal addresses local rules, TCAPCD 4:31 and 4:37. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments on the direct final rule, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Anyone interested in commenting should do so at this time,

we do not plan to open a second comment period. If we do not receive adverse comments on the direct final rule, no further activity is planned. For further information, please see the direct final action.

Dated: April 5, 2002.

Keith Takata,

Acting Regional Administrator, Region IX.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on a Petition To Delist the Lost River Sucker and Shortnose Sucker**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding for a petition to remove the Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*), throughout their ranges, from the Federal list of threatened and endangered species, pursuant to the Endangered Species Act of 1973, as amended (Act). We find that the petition and additional information available in our files did not present substantial scientific or commercial information indicating that delisting of the Lost River and shortnose suckers may be warranted. We will not be initiating a further status review in response to the petition to delist.

DATES: The finding announced in this document was made on May 10, 2002.

ADDRESSES: Data, information, written comments and materials, or questions concerning this petition and finding should be submitted to the Project Leader, Klamath Falls Fish and Wildlife Office, U.S. Fish and Wildlife Service, 6610 Washburn Way, Klamath Falls, Oregon 97603. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:
Steve A. Lewis, at the above address, or
telephone 541/885-8481.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. This finding is to be based on all information available to us at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If we find substantial information present, we are required to promptly commence a review of the status of the species, if one has not already been initiated (50 CFR 424.14).

The petition to delist the Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*), dated September 12, 2001, was submitted by Richard A. Gierak, representing Interactive Citizens United. This petition also requested the removal of the southern Oregon/Northern California coast coho salmon (*Oncorhynchus kisutch*) from the Federal list of threatened and endangered species. This species is under the jurisdiction of the National Marine Fisheries Service and will be addressed by them in a separate finding. The petition was received by the Department of the Interior, Office of the Executive Secretariat on September 26, 2001. This petition finding also responds to three other petitions to delist the Lost River and shortnose suckers, which were received from Leo Bergeron, James L. Buchal, and Naomi Fletcher after Mr. Gierak's petition was submitted. As explained in our 1996 Petition Management Guidance, subsequent petitions are treated separately only when they are greater in scope or broaden the area of review of the first petition. The three subsequent petitions to delist the Lost River and shortnose suckers were considered equivalent to Mr. Gierak's petition. Therefore, we treated these three petitions as comments on the first petition received.

The petition requests the delisting of the Lost River sucker and shortnose sucker. The petition's supporting documentation consists of four pages and "Figures 2 & 3" from testimony by David A. Vogel before the U.S. House Committee on Resources (Vogel 2001), five bibliographic references, and eight footnotes. Three of the five bibliographic references are cited in the excerpted section of the testimony