publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: September 2, 2008.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. E8–25311 Filed 10–23–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2008–0008; FRL–8733–2]

RIN 2060–AO91

National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Vessel Loading Operations; Mineral Wool Production; Pharmaceuticals Production; and Printing and Publishing Industry; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** of October 10, 2008, regarding the National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); Marine Vessel Loading Operations; Mineral Wool Production; Pharmaceuticals Production; and Printing and Publishing Industry. This correction clarifies the date of the public hearing (if a public hearing is requested).

DATES: If a public hearing is held, it will be held on October 27, 2008.

ADDRESSES: If a public hearing is held, it will begin at 10 a.m. and will be held at EPA's campus in Research Triangle Park, North Carolina, or at an alternate facility nearby.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Ms. Mary Tom Kissell, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Coatings and Chemicals Group (E143–01), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; *telephone number:* (919) 541–4516; *fax number:* (919) 685–3219; and *e-mail address: kissell.mary@epa.gov.*

Correction

If a public hearing is held, it will be held on October 27, 2008, beginning at 10 a.m. If a public hearing is held, it will be held at EPA's campus in Research Triangle Park, North Carolina, or at an alternate facility nearby.

Dated: October 16, 2008.

Robert J. Meyers,

Principal Deputy Assistant Administrator.

[FR Doc. E8–25514 Filed 10–23–08; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1852

RIN 2700–AD49

Protection of the Florida Manatee

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA proposes to revise the NASA FAR Supplement (NFS) to update the Protection of the Florida Manatee clause (NFS 1852.247–71) to reflect current technical requirements and organizational points of contact in order to ensure that information essential to protecting the endangered manatee will be properly conveyed to contractors working on-site at NASA Kennedy Space Center (KSC).

DATES: *Comment Date:* Interested parties should submit comments on or before December 23, 2008 to be considered in formulation of the final rule.

ADDRESSES: Interested parties may submit comments to include any comments relative to the cost associated with complying with this requirement, identified by RIN number 2700–AD49, via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Bill Roets, NASA Headquarters, Office of Procurement, Contract Management Division, Washington, DC 20546. Comments may also be submitted by e-mail to *william.roets-1@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Bill Roets, NASA, Office of Procurement, Contract Management Division (Suite 5K77); (202) 358–4483; *e-mail: william.roets-1@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Under the Endangered Species Act of 1973 (Pub. L. 93–205), as amended, and the Marine Mammals Protection Act of 1972 (Pub. L. 92–522), as amended, the Florida Manatee was designated as an endangered species and the Indian River Lagoon system within and adjacent to NASA's KSC has been designated as a critical habitat for the Florida Manatee. In order to ensure compliance with these two acts, the NFS clause 1852.247–71, Protection of the Florida Manatee, was developed and implemented. This clause is required in NASA solicitations and contracts when deliveries or vessel operations, dockside work, or disassembly functions under the contract will involve the use of these waterways inhabited by the Manatees. The clause requires that contractors ensure that all employees and subcontractors are aware of the applicable Federal regulations relative to protecting the Florida Manatee while working in this critical habitat area. Contractors are also required to obtain the applicable Federal and/or state permits and notify and coordinate all water related activities at KSC with the Environmental Management Branch. NASA is proposing to revise this clause to ensure that accurate, current requirements and information essential to protecting the Florida Manatee are properly conveyed to NASA KSC contractors in a concise manner.

This is not a significant regulatory action and, therefore, is not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This proposed rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it merely updates, for clarification and currency purposes, requirements that already exist in this

clause and does not impose an economic impact beyond that addressed in the current clause.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) is not applicable because the NFS changes do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 1852

Government Procurement.

William P. McNally,

Assistant Administrator for Procurement.

Accordingly, 48 CFR Part 1852 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 1852 continues to read as follows:

Authority: 42 U.S.C. 2455(a), 2473(c)(1).

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 1852.247–71 is revised to read as follows:

§ 1852.247–71 Protection of the Florida Manatee. As prescribed in 1847.7001, insert the following clause:

PROTECTION OF THE FLORIDA MANATEE (XX/XX)

(a) Pursuant to the Endangered Species Act of 1973 (Pub. L. 93–205), as amended, and the Marine Mammals Protection Act of 1972 (Pub. L. 92–522), the Florida Manatee *(Trichechus Manatus)* has been designated an endangered species, and the Indian River Lagoon system within and adjacent to National Aeronautics and Space Administration's (NASA's) Kennedy Space Center (KSC) has been designated as a critical habitat of the Florida Manatee. The KSC Environmental Management Branch will advise all personnel associated with the project of the potential presence of manatees in the work area, and the need to avoid collisions and/or harassment of the manatees. Contractors shall ensure that all employees, subcontractors, and other individuals associated with this contract and who are involved in vessel operations, dockside work, and selected disassembly functions are aware of the civil and criminal penalties for harming, harassing, or killing manatees.

(b) All contractor personnel shall be responsible for complying with all applicable Federal and/or state permits (*e.g.* Florida Department of Environmental Protection [FDEP], St. Johns River Water Management District [WMD], Fish & Wildlife Service [FWS]) in performing water-related activities within the contract. Where no Federal and/or state permits are required for said contract, and the contract scope requires activities within waters at KSC, the Contractor shall obtain a KSC Manatee Protection Permit from the Environmental Management Branch. All conditions of Federal, state, and/or KSC regulations and permits for manatee protection shall be binding to the contract. Notification and coordination of all water related activities at KSC will be done through the Environmental Management Branch.

(c) The Contractor shall incorporate the provisions of this clause in applicable subcontracts.

(End of clause)

[FR Doc. E8–25401 Filed 10–23–08; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R8–ES–2008–0112; MO 9221050083–B2]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Sacramento Valley Tiger Beetle as Endangered

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 on a petition to list the Sacramento Valley tiger beetle (*Cicindela hirticollis abrupta*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition does not present substantial scientific or commercial information indicating that listing the Sacramento Valley tiger beetle may be warranted. Therefore, we will not be initiating a further status review in response to this petition. However, we ask the public to submit to us any new information that becomes available concerning the status of, or threats to, the Sacramento Valley tiger beetle or its habitat at any time.

DATES: The finding announced in this document was made on October 24, 2008.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov*. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825–1846. Please submit any new information, materials, comments, or questions concerning this finding to the above address.

FOR FURTHER INFORMATION CONTACT: Susan Moore, Field Supervisor, or Arnold Roessler, Listing Branch Chief, of the Sacramento Fish and Wildlife Office (see **ADDRESSES**), by telephone at (916) 414–6600, or by facsimile to (916) 414–6712. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

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 to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files at the time we make the determination. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of the finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

We base this finding on information provided by the petitioner that we determined to be reliable after reviewing sources referenced in the petition and information available in our files at the time of the petition review. We evaluated that information in accordance with 50 CFR 424.14(b). Our process for making this 90-day finding under section 4(b)(3)(A) of the Act and 50 CFR 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial information'' threshold.

Petition History

On May 14, 2003, we received a petition, dated May 13, 2003, from Mr. John Mendoza of Chico, California, requesting we emergency list the Sacramento Valley tiger beetle as an endangered species. The petition clearly identified itself as such and included the requisite identification information