

international commerce; and make these requirements easier to understand. In response to requests by members of the regulated community, the comment period for the advanced proposed rule is extended until September 30, 2002.

**DATES:** Submit comments by September 30, 2002. To the extent possible, we will consider comments received after this date.

**ADDRESSES:** *Comments:* You must address comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh Street SW., Washington, DC 20590-0001. You should identify the docket number (RSPA-02-11654 (HM-228)) and submit your comments in two copies. If you want to confirm our receipt of your comments, you should include a self-addressed, stamped postcard. You may also e-mail comments by accessing the Dockets Management System web site at <http://dms.dot.gov/> and following the instructions for submitting a document electronically. If you prefer, you may fax comments to 202-366-2251 for filing in the docket.

The Dockets Management System is located on the Plaza Level of the Department of Transportation headquarters building (Nassif Building) at the above address. You may review public dockets there between the hours of 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. You may also review comments on-line at the DOT Dockets Management System Web site at: <http://dms.dot.gov>.

We are experiencing some delays in mail deliveries as a result of ongoing efforts to ensure that mail is not contaminated with infectious or harmful materials. We encourage you to take advantage of the opportunities provided by the DOT Dockets Management System to submit comments electronically or by fax.

**FOR FURTHER INFORMATION CONTACT:** Deborah Boothe or Michael Stevens of the Office of Hazardous Materials Standards, (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington DC 20590-0001.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On February 26, 2002, the Research and Special Programs Administration (RSPA) published an advance notice of proposed rulemaking (ANPRM) (67 FR 8769) under Docket RSPA-02-11654 (HM-228) to consider changes to the HMR on transportation of hazardous materials by aircraft. The HMR (49 CFR

parts 171-180) govern the transportation of hazardous materials in commerce by all modes of transportation, including aircraft (49 CFR 171.1(a)(1)). Parts 172 and 173 of the HMR include requirements for classification and packaging of hazardous materials, hazard communication, and training of employees who perform functions subject to the requirements in the HMR. Part 175 contains additional requirements applicable to aircraft operators transporting hazardous materials aboard an aircraft, and authorizes passengers and crew members to carry hazardous materials on board an aircraft under certain conditions.

RSPA and the Federal Aviation Administration (FAA) are reviewing part 175 and other sections of the HMR applicable to transportation of hazardous materials by aircraft. This review will increase safety in the air transportation of hazardous materials by:

- (1) Modifying or clarifying requirements to promote compliance and enforcement;
- (2) Eliminating unnecessary current regulatory requirements;
- (3) Adopting current exemptions and outstanding petitions for rulemaking;
- (4) Facilitating international commerce; and
- (5) Making the regulations easier to understand.

On March 28, 2002, the Air Transport Association (ATA) requested an extension of the comment period (closing date of May 31, 2002) until September 30, 2002. ATA requested the extension because they need additional time to develop comments. ATA stated that the airline industry needs the opportunity to have air carrier working groups meet on several occasions to examine this docket in depth and to answer the 60 questions posed by RSPA and FAA in the rulemaking.

On April 2, 2002, the Air Line Pilots Association (ALPA), requested an extension of the comment period until September 30, 2002, to fully address the rule and prepare comments. ALPA concluded that the areas and topic requests, as well as the large number of specific questions in the rule are far reaching in their scope and require an in-depth response. ALPA commented that the complexity and number of questions posed in the rule makes it necessary to request additional time to develop their comments. RSPA agrees that extending the comment period on this in-depth rulemaking is in the public interest because it will assure a more thorough consideration of the issues by

all affected entities. Therefore, we are extending the comment period to September 30, 2002.

Issued in Washington, DC on May 7, 2002, under the authority delegated in 49 CFR part 106.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

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

#### **Notice of Availability of a Draft Recovery Plan for Five Plants From Monterey County, CA, for Review and Comment**

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

**ACTION:** Notice of document availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability for public review of a Draft Recovery Plan for Five Plants from Monterey County, California. This recovery plan includes the following species: coastal dunes milk-vetch (*Astragalus tener* var. *titi*), Yadon's piperia (*Piperia yadonii*), Hickman's potentilla (*Potentilla hickmanii*), Monterey clover (*Trifolium trichocalyx*), and Gowen cypress (*Cupressus goveniana* ssp. *goveniana*). These plant species are found primarily along the coast of northern Monterey County, California. Hickman's potentilla also occurs in San Mateo County and has occurred historically in Sonoma County. Coastal dunes milk-vetch has occurred historically in Los Angeles and San Diego Counties, California. The Service solicits review and comment from local, State, and Federal agencies, and the public on this draft recovery plan.

**DATES:** Comments on the draft recovery plan must be received on or before July 12, 2002 to receive consideration by the Service.

**ADDRESSES:** Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003 (phone: 805-644-1766). Requests for copies of the draft recovery plan, and written comments and materials regarding this plan should be addressed to Ms. Diane K. Noda, Field Supervisor, at the above Ventura address.

**FOR FURTHER INFORMATION CONTACT:** Heidi E.D. Crowell, Fish and Wildlife Biologist, at the above address.

**SUPPLEMENTARY INFORMATION:**

**Background**

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act, as amended in 1988 (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions. Individualized responses to comments will not be provided.

Coastal dunes milk-vetch, Yadon's piperia, Hickman's potentilla and Monterey clover are listed as endangered. Gowen cypress is listed as a threatened species.

Coastal dunes milk-vetch is restricted to sandy soils that occur within 30 meters (m) (98 feet (ft)) of the ocean beach on relatively flat coastal terraces that are exposed to ocean sprays and periodic saturation. Only one extant population is currently known to occur, made up of approximately 11 scattered patches of plants that are separated by 17-Mile Drive on the western edge of the Monterey Peninsula. The land is owned by the Pebble Beach Company and the Monterey Peninsula Country Club.

Yadon's piperia is endemic to Monterey County and has a center of distribution within large undeveloped

tracts of Monterey pine forest. Its range extends from the Los Lomos area near the border of Santa Cruz County in the north to approximately 25 kilometers (km) (15 miles (mi)) south of the Monterey Peninsula near Palo Colorado Canyon where it occurs in a maritime chaparral habitat. Some of the plants occur on protected property, while a large proportion of plants occur on unprotected private property.

Hickman's potentilla is currently known from one site on the Monterey Peninsula and at one site in San Mateo County. The population in Monterey County grows in fine sandy soils within an opening of Monterey pine forest that supports wet conditions for a variety of native and nonnative grassland species. The population in San Mateo County was presumed extirpated until it was rediscovered on private land in 1995 by biologists conducting surveys for a highway project.

Monterey clover is known from only one area in the vicinity of Huckleberry Hill within the Monterey Peninsula. Only a few scattered individuals were reported in the late 1990's. This species is a classic fire-follower, taking advantage of reduced forest cover that allows a significantly higher proportion of light to reach the herbaceous ground cover for the first few years after a fire. Fire suppression activities and development within the Pebble Beach Company property are likely negatively affecting this species' habitat and seed bank.

Gowen cypress is currently found in only two stands, in addition to individuals that occur locally in cultivation. The largest stand (Del Monte Forest) is near Huckleberry Hill on the west side of the Monterey Peninsula and covers approximately 40 hectares (ha) (100 acres (ac)) within lands owned by the Pebble Beach Company and the Del Monte Forest Foundation. The second stand (Point Lobos) occurs 10 km (6 mi) south of Huckleberry Hill on the north side of Gibson Creek inland of the Point Lobos Peninsula. This stand occurs on a 60-ha (150-ac) parcel owned by the California Department of Parks and Recreation and is somewhere between 16 and 32 ha (40 and 80 ac) in size. The stands occur in mixed conifer forest and maritime chaparral habitats. Within the chaparral habitat, the cypress also grows in a dense, dwarf or pygmy forest.

These plants are threatened by one or more of the following: alteration, destruction, and fragmentation of habitat resulting from urban and golf course development; recreational activities; competition with nonnative plant species; herbivory from native or

nonnative species; demographic stochasticity; and disruption of natural fire cycles due to fire suppression associated with increasing residential development around and within occupied habitat.

The objective of this recovery plan is to provide a framework for the recovery of coastal dunes milk-vetch, Yadon's piperia, Hickman's potentilla, Monterey clover, and Gowen cypress so that protection by the Act is no longer necessary. This recovery plan establishes criteria necessary to accomplish delisting of Gowen cypress and downlisting of coastal dunes milk-vetch, Yadon's piperia, Hickman's potentilla, and Monterey clover to threatened status. These criteria include: (1) Permanent protection of habitat presently occupied by the species and the surrounding ecosystem on which they depend, with long-term commitments to conserving the species; (2) in a protected habitat, successful control of invasive, nonnative plants and successful management of other problems (management success must be demonstrated through at least 10 years of biological monitoring); (3) development of management strategies that include results from research on the life histories of the taxa, and results from monitoring the species' response to vegetation management; (4) successful reintroduction or establishment of populations for coastal dunes milk-vetch, Hickman's potentilla, and Monterey clover; (5) implementation of a prescribed burn plan or successful alternative management strategy for Gowen cypress; (6) monitoring to demonstrate long-term viability of existing populations, including successful recruitment and reproduction; and (7) establishment of seed banks at recognized institutions. Criteria for delisting of coastal dunes milk-vetch, Yadon's piperia, Hickman's potentilla, and Monterey clover may be addressed in future revisions of this recovery plan when additional information about the biology of the species is available.

**Authority**

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 6, 2002.

**D. Kenneth McDermond,**

Manager, California/Nevada Operations Office, Region 1, U.S. Fish and Wildlife Service.

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