

as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

#### *F. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

#### *G. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### *H. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today’s proposed action because it does not require the public to perform activities conducive to the use of VCS.

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: April 26, 2002.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. 02–11825 Filed 5–10–02; 8:45 am]

**BILLING CODE 6560–50–P**

#### **DEPARTMENT OF DEFENSE**

##### **48 CFR Parts 208 and 210**

**[DFARS Case 2002–D003]**

##### **Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases From a Required Source**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of public meeting.

**SUMMARY:** The Director of Defense Procurement is sponsoring a public meeting to discuss the interim rule published at 67 FR 20687 on April 26, 2002. The rule amended the Defense Federal Acquisition Regulation Supplement (DFARS) to implement

Section 811 of the Fiscal Year 2002 National Defense Authorization Act. Section 811 requires DoD to conduct market research before purchasing a product listed in the Federal Prison Industries (FPI) catalog, to determine whether the FPI product is comparable in price, quality, and time of delivery to products available from the private sector. A listing of possible discussion topics can be found on the Defense Procurement Web site at <http://www.acq.osd.mil/dp>.

**DATES:** The meeting will be held on June 3, 2002, from 1 p.m. to 4 p.m., local time.

**ADDRESSES:** The meeting will be held in Room C–43, Crystal Mall 4, 1931 Jefferson Davis Highway, Arlington, VA 22202.

#### **FOR FURTHER INFORMATION CONTACT:**

Susan L. Schneider, Defense Acquisition Regulations Directorate, at (703) 602–0326 or [susan.schneider@osd.mil](mailto:susan.schneider@osd.mil).

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 02–11899 Filed 5–10–02; 8:45 am]

**BILLING CODE 5001–08–U**

#### **DEPARTMENT OF TRANSPORTATION**

##### **Research and Special Programs Administration**

##### **49 CFR Part 175**

**[Docket No. RSPA–02–11654 (HM–228)]**

**RIN 2137–AD18**

##### **Hazardous Materials: Revision of Requirements for Carriage by Aircraft; Extension of Comment Period**

**AGENCY:** Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

**ACTION:** Advance notice of proposed rulemaking (ANPRM); extension of comment period.

**SUMMARY:** On February 26, 2002, RSPA published an advance notice of proposed rulemaking to consider changes to the requirements in the Hazardous Materials Regulations (HMR) on the transportation of hazardous materials by aircraft. These changes would modify or clarify requirements to promote safer transportation practices; promote compliance and enforcement; eliminate unnecessary regulatory requirements; convert certain exemptions into regulations of general applicability; finalize outstanding petitions for rulemaking; facilitate

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.*

[FR Doc. 02-11902 Filed 5-10-02; 8:45 am]

**BILLING CODE 4910-60-P**

## **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.