FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

BACKGROUND
Section 4(a) of the Act states:
General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:
(1) The present or threatened destruction, modification or curtailment of its habitat or range; (2) overutilization for commercial, sporting, scientific, or educational purposes; (3) Disease or predation; (4) The inadequacy of existing regulatory mechanisms; or (5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

The findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the New Mexican ridge-nosed rattlesnake are as follows:

1. The present or threatened destruction, modification, or curtailment of its habitat or range. The range of the New Mexican ridge-nosed rattlesnake is primarily restricted to two canyons in the Animas Mountains of New Mexico and may involve habitat of approximately one square mile or less. A small population also exists in the Sierra de San Luis, Chihuahua, Mexico. The Flavas Valley is experiencing development in the form of a copper mine, reduction plant, and associated "company town." Evidence indicates that the plant itself will not adversely affect the rattlesnake; however, the increased usage of the Animas Mountains of New Mexico may severely reduce available habitat and thus be detrimental to the populations of the New Mexican ridge-nosed rattlesnake.

2. Overutilization for commercial, sporting, scientific, or educational purposes. This is probably the chief danger to the New Mexican ridge-nosed rattlesnake. Although relatively abundant when first discovered in 1961, the attractiveness of this species, coupled with its limited geographic range, has made it a very desirable animal for scientific and commercial purposes. Dealers in herpetological specimens have priced this species as high as $175 or more for an 18-inch specimen. The value of this animal has led to extreme habitat destruction in the process of collecting, even to the point of using dynamite to blast boulders out of the way. Evidence indicates that the New Mexican ridge-nosed rattlesnake is now rare and will continue to decline unless measures are enacted to restrict collecting.

3. Disease or predation. This is probably not a significant factor contributing to the current plight of the species.

4. The inadequacy of existing regulatory mechanisms. This species is currently listed an Endangered and protected by State law in New Mexico. The U.S. Fish and Wildlife Service has also entered into agreement with the Pruett-Wray Cattle Company, owners of the canyons where the New Mexican ridge-nosed rattlesnake lives, to close access to collectors. However, this has only been a partial deterrent to those who want a member of this species for their collection.

5. Other natural or manmade factors affecting its continued existence. None.

CRITICAL HABITAT
Section 7 of the Act, entitled "Interagency Cooperation" says:
The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register of April 22, 1975 (40 FR 17764-17765). In support of this action, the Secretary, after consultation as appropriate with the affected States, to be critical.

The areas delineated below do not necessarily include the entire Critical Habitat of the New Mexican ridge-nosed rattlesnake, and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with Section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out
by them do not result in the destruction or modification of the Critical Habitat of the New Mexican ridge-nosed rattlesnake found within the areas delineated below. It is recognized that the Critical Habitat area may contain manmade structures that are not of primary use to the New Mexican ridge-nosed rattlesnake. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the Critical Habitat in question, and that based upon data received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking may differ from this proposal.

Until the issuance of additional guidelines or regulations, all Federal department or agency actions, including such activities as the approval or appropriation of funds, shall be subject to such rulemaking. Based upon a study by Dr. Herbert S. Harris of all known localities of the subject species, the Critical Habitat for the New Mexican ridge-nosed rattlesnake includes the following:

1. Elevations above 6,000 feet in the Animas Mountains, Hidalgo County, New Mexico.

**EFECT OF THE RULEMAKING**

The effects of these determinations and of the rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of those prohibitions and exceptions also apply to any Threatened species unless a State or a Tribal area pertaining to the Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50 of the Code of Federal Regulations. For the convenience of the reader, they are reprinted below:

**§ 17.21 Prohibitions.**

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.32, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (e) of this section in regard to any endangered wildlife.

(b) Import or export. It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (e) of this section in regard to any endangered wildlife.

(c) Take. (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as

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the territorial sea of another country, under international law. (2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(d) Sale or offer for sale. (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(e) Interstate or foreign commerce. It is unlawful to deliver, receive, carry, transport, or ship any endangered wildlife in violation of the Act as necessary in performing their official duties.

An advertisement for the sale of endangered wildlife which carries a warning against such sale shall be considered an offer for sale within the meaning of this subsection.

Regulations published in the Federal Register of September 26, 1975 (40 FR 44412), provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to reduce undue hardship which would be suffered if such relief were not available.

Pursuant to Section 4(d) of the Act, the Director will notify the Governor of New Mexico with respect to this proposal and request his comments and recommendations before making final determinations.

**PUBLIC COMMENTS SOUGHT**

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning Endangered species and the proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat (or the lack thereof) to the New Mexican ridge-nosed rattlesnake.
2. The location of and reasons why any habitat of the New Mexican ridge-nosed rattlesnake should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act.
3. Additional information concerning the range and distribution of the New Mexican ridge-nosed rattlesnake.

Final promulgation of the regulations on the New Mexican ridge-nosed rattlesnake will take into consideration the comments and any additional information received by the Service. Any communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240. and may be examined during regular business hours. A determination will be made at
PROPOSED RULES

LOS ANGELES COUNTY APCD

REGULATION VI—FEES

Rule
42 Hearing Board Fees
State of California State Health and Safety Code, Sections 39000 through 43834 as identified by Assembly Bill No. 1758 and approved by the Governor on September 22, 1976. Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Regional IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:
Southern California Air Pollution Control District, 300 West Mission Blvd., Room 217, Pomona, Calif. 91768.
California Air Resources Board, 1709 – 11th Street, Sacramento, Calif. 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended. (42 U.S.C. 1867c–5.)


PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-15063 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Imperial County Air Pollution Control Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Imperial County Air Pollution Control District's Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on November 10, 1976. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:
Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, Attn: David R. Souter, Chief, California SIP Section, 100 California Street, San Francisco CA 94111.

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules:

Rule 100. Definitions
Rule 114.5, Exception
Rule 117, Nuisances
Rule 131.5, Livestock Feed Yards
Rule 148.D, Miscellaneous Exceptions

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:
Imperial County Air Pollution Control District, 940 West Main Street, El Centro CA 92243.
California State Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended. (42 U.S.C. 1867c–5.)


PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-15063 Filed 5-25-77;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Sacramento County Air Pollution Control Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

[FR Doc.77-15063 Filed 5-25-77;8:45 am]
ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and involve public comments on revisions to the Sacramento County Air Pollution Control District Rules and Regulations which were submitted to EPA by the State of California for inclusion in the California Air Quality Implementation Plan. These revisions were received by November 10, 1976. Regulations concerning New Source Review and Vapor Recovery are not being considered in this notice, and will be the topic of a separate FEDERAL REGISTER Notice. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to June 27, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, EPA, Region IX, 100 California Street, San Francisco, California 94111.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: The November 10, 1976 submittal contained revisions to the following rules and regulations:

Rule
1 Title.
2 Definitions.
11 Storage of Petroleum Products.
12 Organic Liquid Loading.
14 Transfer of Gasoline Into Vehicle Fuel Tanks.
21 Dust and Condensed Fumes.
22a Open Fires.
22b Incinerator Burning.
24 Specific Contaminants.
27 Orchard Heaters.
28 Gasoline Storage.
29 Circumvention.
33 Contents of Petition.
39 Notice of Hearing.
44 Decision.
50 Permit Fees.
51 Hearing Board Fees.
52 Agricultural Burning Permits.
52 "No Burn" Days.
53 Preparation of Agricultural Waste.
54 Limitation on Daily Burning Rate.
55 Other Burning Limitations.
56 Emergency Permits.
57 Agricultural Waterway Delivery and Drainage Systems.
58 Permits by Fire Protection Agencies.

Definitions List added to Regulation VII.

Pursuant to section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office, Relevant comments received on or before June 27, 1977, will be considered. Comments received will be available for public inspection at the Region IX Office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sacramento County Health Agency, Department of Community Health, 3701 Branch Center Road, Sacramento, California 95827.

California Air Resources Board, 1700 11th Street, Sacramento, California 95814.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended, 42 U.S.C. 1857c-5.)


Paul De Falco, Jr.,
Regional Administrator.

DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
[49 CFR Part 171]
[Docket No. HM-150; Notice No. 77-4]

RADIOACTIVE MATERIALS IMPORTED INTO THE UNITED STATES

QUANTITY LIMITATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule would permit the import into the United States of packages of Type A and low specific activity radioactive materials which have been prepared in accordance with the quantity limitations of the most recent International Atomic Energy Agency (IAEA) standards. The proposal would permit such IAEA quantity limitations to be used in place of existing DOT/IAEA quantity limitations, since differences between the two requirements are small but nevertheless hinder importation of Type A and low specific activity materials.

DATE: Comments must be received on or before June 27, 1977.

ADDRESSES: Comments must be addressed to Docket Section, Office of Hazardous Materials Operations, U.S. Department of Transportation, 2100 2nd Street SW., Washington, D.C. 20590. Five copies of comments are requested but not required.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
Many countries and international transport organizations throughout the world have adopted the standards of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition, and the adoption of these standards by other countries is imminent. Since the allowable quantity limits for Type A quantities and for low specific activity radioactive materials in the 1973 IAEA Regulations are at variance with the limits established in current DOT Hazardous Materials Regulations, packages of such radioactive materials imported into the United States, while meeting the standards of the originating country or international transport organizations, and meeting U.S. requirements except for quantity, cannot be transported in commerce in the United States without further repacking. Primary drafters are Alfred W. Grella and Douglas A. Crockett.

The Materials Transportation Bureau is considering an amendment to bring U.S. requirements into closer conformity with 1973 IAEA Standards. However, until final action is taken in that regard, to avoid further interference with import activities involving radioactive materials, the rule proposed herein would authorize the acceptance and transportation of packages meeting the IAEA Standards for Type A or low specific activity radioactive materials.

The proposal would not result in a significant environmental or economic impact. The net effect of the proposal is to marginally extend domestic quantity limitations for existing packagings. Domestic requirements concerning packaging, marking, labeling and shipping papers are not affected.

In consideration of the foregoing, it is proposed to amend Part 171 of Title 49, Code of Federal Regulations, as follows:

1. In §171.7 paragraph (d)(10) would be revised to read as follows:

§171.7 Matter incorporated by reference.

(d) * * *


2. In §171.12, a new paragraph (e) would be added to read as follows:

§171.12 Import and export shipments.

(e) Notwithstanding the quantity limitations of §173.398(e) and (L) of this subchapter, any package of radioactive materials which otherwise conforms to the requirements of this subchapter applicable to Type A quantities or low specific activity materials may be offered and accepted for transportation, and transported within the United States, under the following conditions.