

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in Washington<sup>19</sup> and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, and Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

<sup>19</sup>The one exception is within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the Puyallup Tribe of Indians Settlement Act of 1989, 25 U.S.C. 1773, Congress explicitly provided State and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area.

Dated: February 23, 2012.

**Dennis J. McLearnan,**

*Regional Administrator, Region 10.*

[FR Doc. 2012-5393 Filed 3-5-12; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R06-RCRA-2011-0478; FRL-9642-5]

#### Texas: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The State of Texas has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant Final authorization to the State of Texas. In the “Rules and Regulations” section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

**DATES:** Send your written comments by April 5, 2012.

**ADDRESSES:** Send written comments to Alima Patterson, Region 6, Regional Authorization Coordinator, (6PD-O), Multimedia Planning and Permitting Division, at the address shown below. You can examine copies of the materials submitted by the State of Texas during normal business hours at the following locations: EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone number (214) 665-8533; or Texas Commission on Environmental Quality, (TCEQ) 12100 Park S. Circle, Austin TX

78753-3087, (512) 239-6079. Comments may also be submitted electronically or through hand delivery/courier; please follow the detailed instructions in the **ADDRESSES** section of the immediate final rule which is located in the Rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Alima Patterson (214) 665-8533.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the “Rules and Regulations” section of this **Federal Register**.

Dated: February 17, 2012

**Al Armendariz,**

*Regional Administrator, Region 6.*

[FR Doc. 2012-5378 Filed 3-5-12; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R1-ES-2011-N251;  
FXES11130100000C4-123-FF01E00000]

#### Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of 46 Species in Idaho, Oregon, Washington, Nevada, Montana, Hawaii, Guam, and the Northern Mariana Islands

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

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are initiating 5-year reviews for 46 species in Idaho, Oregon, Washington, Nevada, Montana, Hawaii, Guam, and the Northern Mariana Islands under the Endangered Species Act of 1973, as amended (Act). We request any new information on these species that may have a bearing on their classification as endangered or threatened. Based on the results of our 5-year reviews we will determine whether these species are properly classified under the Act.

**DATES:** To ensure consideration in our reviews, we are requesting submission of new information no later than May 7, 2012. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For the 44 species in Hawaii, Guam, and the Northern Mariana Islands (see Table 1 below), submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish

and Wildlife Office, 300 Ala Moana Blvd., Room 3–122, Box 50088, Honolulu, HI 96850. Information can also be submitted by email to: *pifwo-5yr-review@fws.gov*.

For the Snake River physa snail and bull trout, submit information to: Branch Chief, Classification and Recovery, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 S. Vinnell Way, Room 368, Boise, ID 83709. Information can also be submitted by email to: *fws1srbcocomment@fws.gov*.

**FOR FURTHER INFORMATION CONTACT:** Jess Newton, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808–792–9400 (for species in Hawaii, Guam, and the Northern Mariana Islands); or Susan Burch, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 208–378–5243 (for Snake River physa snail and bull trout). Individuals who are

hearing impaired or speech impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

**I. Why do we conduct 5-year reviews?**

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species’ status at least once every 5 years. Then, under section 4(c)(2)(B), we determine whether to remove any species from the List (delist), to reclassify it from endangered to threatened, to reclassify it from threatened to endangered, or to conclude that the current listing is appropriate. Any change in Federal classification requires a separate rulemaking process.

We use the following definitions, from 50 CFR 424.02, in our analysis of classification status:

(A) *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, that interbreeds when mature;

(B) *Endangered species* means any species that is in danger of extinction throughout all or a significant portion of its range; and

(C) *Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review.

**II. What species are under review?**

This notice announces our active review of the 46 species listed in Table 1.

TABLE 1—SPECIES FOR WHICH WE ARE INITIATING A STATUS REVIEW TO DETERMINE IF THEY ARE APPROPRIATELY LISTED UNDER THE U.S. ENDANGERED SPECIES ACT

Common name	Scientific name	Status	Where listed	Final listing rule
<b>Animals</b>				
Akepa, Maui .....	<i>Loxops coccineus ochraceus</i> .....	Endangered .....	U.S.A. (HI) .....	35 FR 16047; 10/13/1970.
Creeper, Molokai .....	<i>Paroreomyza flammea</i> .....	Endangered .....	U.S.A. (HI) .....	35 FR 16047; 10/13/1970.
Crow, Mariana (=aga) ....	<i>Corvus kubaryi</i> .....	Endangered .....	Western Pacific Ocean—U.S.A. (Guam, Rota).	49 FR 33885; 8/27/1984.
Duck, Laysan .....	<i>Anas laysanensis</i> .....	Endangered .....	U.S.A. (HI) .....	32 FR 4001; 3/11/1967.
Finch, Laysan .....	<i>Telespyza cantans</i> .....	Endangered .....	U.S.A. (HI) .....	32 FR 4001; 3/11/1967.
Fruit bat, Mariana .....	<i>Pteropus mariannus mariannus</i> .....	Threatened .....	Western Pacific Ocean—U.S.A. (GU, MP).	70 FR 1190; 1/06/2005.
Honeycreeper, crested ..	<i>Palmeria dolei</i> .....	Endangered .....	U.S.A. (HI) .....	32 FR 4001; 3/11/1967.
Kingfisher, Guam Micro-nesian.	<i>Halcyon cinnamomina cinnamomina</i>	Endangered .....	Western Pacific Ocean—U.S.A. (Guam).	49 FR 33885; 8/27/1984.
Parrotbill, Maui .....	<i>Pseudonestor xanthophrys</i> .....	Endangered .....	U.S.A. (HI) .....	32 FR 4001; 3/11/1967.
Po’ouli .....	<i>Melamprosops phaeosoma</i> .....	Endangered .....	U.S.A. (HI) .....	40 FR 44151; 9/25/1975.
Rail, Guam .....	<i>Rallus owstoni</i> .....	Endangered, Non-Es-sential Experimental Population.	Western Pacific Ocean—U.S.A. (Guam, Rota).	49 FR 33881; 8/27/1984.
Snail, Snake River physa.	<i>Physa natricina</i> .....	Endangered .....	U.S.A. (ID) .....	57 FR 59244; 12/14/1992.
Thrush, Molokai .....	<i>Myadestes lanaiensis rutha</i> .....	Endangered .....	U.S.A. (HI) .....	35 FR 16047; 10/13/1970.
Trout, bull .....	<i>Salvelinus confluentus</i> .....	Threatened .....	U.S.A., coterminous (lower 48 states); oc-curs in ID, OR, WA, NV, and MT.	64 FR 58910; 11/01/1999.
White-eye, bridled .....	<i>Zosterops conspicillatus</i>	Endangered .....	Western Pacific Ocean—U.S.A. (Guam).	49 FR 33885; 8/27/1984.
<b>Plants</b>				
No common name .....	<i>Abutilon eremitopetalum</i> .....	Endangered .....	U.S.A. (HI) .....	56 FR 47694; 9/20/1991.

TABLE 1—SPECIES FOR WHICH WE ARE INITIATING A STATUS REVIEW TO DETERMINE IF THEY ARE APPROPRIATELY LISTED UNDER THE U.S. ENDANGERED SPECIES ACT—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
Liliwai	<i>Acaena exigua</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
Pua 'ala	<i>Brighamia rockii</i>	Endangered	U.S.A. (HI)	57 FR 46339; 10/8/1992.
Kamanomano	<i>Cenchrus agrimonioides</i>	Endangered	U.S.A. (HI)	61 FR 53123; 10/10/1996.
Haha	<i>Cyanea dunbarii</i>	Endangered	U.S.A. (HI)	61 FR 53137; 10/10/1996.
Haha	<i>Cyanea hamatiflora</i> ssp. <i>hamatiflora</i>	Endangered	U.S.A. (HI)	64 FR 48323; 9/3/1999.
Haha	<i>Cyanea lobata</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
Haha	<i>Cyanea macrostegia</i> ssp. <i>gibsonii</i>	Endangered	U.S.A. (HI)	56 FR 47694; 9/20/1991.
Haha	<i>Cyanea mceldowneyi</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
Haha	<i>Cyanea procera</i>	Endangered	U.S.A. (HI)	57 FR 46339; 10/8/1992.
No common name	<i>Diplazium molokaiense</i>	Endangered	U.S.A. (HI)	59 FR 49031; 9/26/1994.
Na'ena'e	<i>Dubautia plantaginea</i> ssp. <i>humilis</i>	Endangered	U.S.A. (HI)	64 FR 48323; 9/3/1999.
Gardenia (=Na'u), Hawaiian.	<i>Gardenia brighamii</i>	Endangered	U.S.A. (HI)	50 FR 33731; 8/21/1985.
Kopa	<i>Hedyotis schlechtendahlana</i> var. <i>remyi</i> .	Endangered	U.S.A. (HI)	64 FR 48323; 9/3/1999.
Wawae'iole	<i>Huperzia mannii</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
Kohe malama malama o kanaloa.	<i>Kanaloa kahoolawensis</i>	Endangered	U.S.A. (HI)	64 FR 48323; 9/3/1999.
Koki'o, Cooke's	<i>Kokia cookei</i>	Endangered	U.S.A. (HI)	44 FR 62471; 10/30/1979.
Kamakahala	<i>Labordia triflora</i>	Endangered	U.S.A. (HI)	64 FR 48323; 9/3/1999.
Nehe	<i>Lipochaeta kamolensis</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
No common name	<i>Lysimachia maxima</i>	Endangered	U.S.A. (HI)	61 FR 53137; 10/10/1996.
Alani	<i>Melicope adscendens</i>	Endangered	U.S.A. (HI)	59 FR 62352; 12/5/1994.
Alani	<i>Melicope knudsenii</i>	Endangered	U.S.A. (HI)	59 FR 9327; 2/25/1994.
Alani	<i>Melicope mucronulata</i>	Endangered	U.S.A. (HI)	57 FR 20787; 5/15/1992.
No common name	<i>Phyllostegia hispida</i>	Endangered	U.S.A. (HI)	73 FR 9078; 2/19/2008.
No common name	<i>Platanthera holochila</i>	Endangered	U.S.A. (HI)	61 FR 53123; 10/10/1996.
Lo'ulu	<i>Pritchardia munroi</i>	Endangered	U.S.A. (HI)	57 FR 46339; 10/8/1992.
No common name	<i>Pteris lidgatei</i>	Endangered	U.S.A. (HI)	59 FR 49031; 9/26/1994.
Remya, Maui	<i>Remya mauiensis</i>	Endangered	U.S.A. (HI)	56 FR 1453; 1/14/1991.
Naupaka, dwarf	<i>Scaevola coriacea</i>	Endangered	U.S.A. (HI)	51 FR 17974; 5/16/1986.
No common name	<i>Silene alexandri</i>	Endangered	U.S.A. (HI)	57 FR 46339; 10/8/1992.
No common name	<i>Stenogyne bifida</i>	Endangered	U.S.A. (HI)	57 FR 46339; 10/8/1992.

**III. What information do we consider in the review?**

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology including, but not limited to, population trends,

distribution, abundance, demographics, and genetics;

(B) Habitat conditions including, but not limited to, amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends (see five factors under heading "How Do We Determine Whether a Species is Endangered or Threatened?"); and

(E) Other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

**IV. How do we determine whether a species is endangered or threatened?**

Section 4(a)(1) of the Act requires that we determine whether a species is

endangered or threatened based on one or more of the five following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

Under section 4(b)(1) of the Act, we must base our assessment of these factors solely on the best scientific and commercial data available.

#### V. What could happen as a result of this review?

For each species under review, if we find new information that indicates a change in classification may be warranted, we may propose, through formal rulemaking, to:

- (A) Reclassify the species from threatened to endangered (uplist);
- (B) Reclassify the species from endangered to threatened (downlist); or
- (C) Remove the species from the List (delist).

If we determine that a change in classification is not warranted, then no formal rulemaking is required; the species remains on the List under its current status.

#### VI. Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "What Information Do We Consider in Our Review?" for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in either the Idaho or Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section).

#### VII. Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

#### VIII. Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at: <http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html>.

#### IX. Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 18, 2012.

**Richard R. Hannan,**

*Acting Regional Director, Region 1 Fish and Wildlife Service.*

[FR Doc. 2012-5335 Filed 3-5-12; 8:45 am]

**BILLING CODE 4310-55-P**

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

##### 50 CFR Part 17

[FWS-R5-ES-2012-N038;  
FXES11130500000D2-123-FF05E00000]

#### Endangered and Threatened Wildlife and Plants; Initiation of a 5-Year Review of Nine Northeastern Species

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

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year reviews under the Endangered Species Act (Act), as amended, for nine northeastern species. We will review the following species, all listed as endangered under the Act: Maryland darter, Virginia fringed mountain snail, Virginia big-eared bat, Hay's Spring amphipod, Lee County Cave isopod, and Shenandoah salamander. We will also review the following threatened species: Knieskern's beaked-rush, small whorled pogonia, and Virginia sneezeweed. We conduct these reviews to ensure that our classification of each species on the lists of endangered and threatened wildlife and plants is accurate. A 5-year review assesses the best scientific and commercial data available at the time of the review. We are requesting

submission of any such information that has become available since the previous 5-year review for each species. Based on review results, we will determine whether we should change the listing status of any of these species.

**DATES:** To ensure consideration, please send your written information by May 7, 2012. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For where and how to send information, see "VIII. Contacts" near the end of the **SUPPLEMENTARY INFORMATION** section.

#### FOR FURTHER INFORMATION CONTACT:

Mary Parkin, by U.S. mail at U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035; by telephone at 617-417-3331; or by electronic mail at [mary\\_parkin@fws.gov](mailto:mary_parkin@fws.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain lists of endangered and threatened wildlife and plants (which we refer to collectively as the list) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires us to review the status of each listed species at least once every 5 years. Then, under section 4(c)(2)(B), we determine whether to remove the species from the list (delist), reclassify it from endangered to threatened, or reclassify it from threatened to endangered. Any change in Federal classification requires a separate rulemaking process.

In classifying a species, we use the following definitions from 50 CFR 424.02:

(A) *Species* includes any species or subspecies of fish, wildlife, or plant, or any distinct population segment of any species or vertebrate, that interbreeds when mature;

(B) *Endangered species* means any species that is in danger of extinction throughout all or a significant portion of its range; and

(C) *Threatened species* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

We must support delisting a species by the best scientific and commercial data available, and we only consider delisting if data substantiate that the species is neither endangered nor threatened for one or more of the following reason (50 CFR 424.11 (d)):

- (A) The species is extinct;
- (B) The species is recovered; or
- (C) The original data available when the species was listed, or the