

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 73.58 [Amended]**

2. § 73.58 is amended as follows:

\* \* \* \* \*

**R–5802A Fort Indiantown Gap, PA [Amended]**

By removing the current “Time of Designation” and “Using agency” and substituting “Time of Designation. Daily, sunrise to 2200” and “Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.”

**R–5802B Fort Indiantown Gap, PA [Amended]**

By removing the current “Time of Designation” and “Using agency” and substituting “Time of Designation. Daily, sunrise to 2200.” and “Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.”

**R–5802C Fort Indiantown Gap, PA [New]**

Boundaries. Beginning at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°25'06" N., long. 76°44'47" W.; to lat. 40°28'00" N., long. 76°46'59" W.; to lat. 40°29'42" N., long. 76°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°26'18" N., long. 76°36'40" W.; thence to point of beginning.

Designated altitudes. 500 feet AGL to but not including 17,000 feet MSL.

Time of designation. Daily, sunrise to 2200.  
Controlling agency. FAA, New York  
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

**R–5802D Fort Indiantown Gap, PA [New]**

Boundaries. Beginning at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°25'06" N., long. 76°44'47" W.; to lat. 40°28'00" N., long. 76°46'59" W.; to lat. 40°29'42" N., long. 76°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°26'18" N., long. 76°36'40" W.; thence to point of beginning.

Designated altitudes. 17,000 feet MSL to but not including FL 220.

Time of designation. Daily, sunrise to 2200.  
Controlling agency. FAA, New York  
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

**R–5802E Fort Indiantown Gap, PA [New]**

Boundaries. Beginning at lat. 40°29'42" N., long. 74°42'59" W.; to lat. 40°29'31" N., long. 76°39'07" W.; to lat. 40°28'31" N., long. 76°36'21" W.; to lat. 40°27'13" N., long. 76°35'13" W.; to lat. 40°23'45" N., long. 76°32'36" W.; to lat. 40°22'50" N., long. 76°34'03" W.; to lat. 40°19'55" N., long. 76°40'59" W.; thence clockwise along the arc of a 4-nautical-mile radius circle centered at lat. 40°23'24" N., long. 76°43'34" W.; to lat. 40°21'48" N., long. 76°48'18" W.; to lat.

40°26'04" N., long. 76°51'34" W.; to lat. 40°28'00" N., long. 76°46'59" W.; thence to point of beginning.

Designated altitudes. FL 220 to FL 250.  
Time of designation. Daily, sunrise to 2200.  
Controlling agency. FAA, New York  
ARTCC.

Using agency. ANG, 193rd SOW, Det 1, Fort Indiantown Gap Military Reservation, PA.

Issued in Washington, DC, on August 8, 2003.

**Reginald C. Matthews,**

*Manager, Airspace and Rules Division.*

[FR Doc. 03–20772 Filed 8–13–03; 8:45 am]

**BILLING CODE 4910–13–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

**[KY–200334(b); FRL–7542–5]**

**Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Commonwealth of Kentucky and Jefferson County, KY**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the Commercial and Industrial Solid Waste Incineration (CISWI) units section 111(d) negative declarations submitted by the Commonwealth of Kentucky (state) and Jefferson County, Kentucky (local). These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act do not exist in the Commonwealth of Kentucky and Jefferson County, Kentucky. In the Final Rules Section of this **Federal Register**, the EPA is approving the negative declarations submitted by the Commonwealth of Kentucky and Jefferson County, Kentucky, as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before September 15, 2003.

**ADDRESSES:** Comments may be submitted by mail to: Joydeb Majumder, Air Toxics and Monitoring Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, Supplementary Information section (sections I.B.1. i. through iii.) which is published in the Rules Section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Joydeb Majumder, Air Toxics and Monitoring Branch, or Michele Notarianni, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mr. Majumder can also be reached by telephone at (404) 562–9121 and via electronic mail at [majumder.joydeb@epa.gov](mailto:majumder.joydeb@epa.gov). Ms. Notarianni may be reached by telephone at (404) 562–9031 and via electronic mail at [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: July 23, 2003.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 03–20429 Filed 8–13–03; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018–AI73**

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period, Announcement of Public Hearing, and Availability of Draft Economic Analysis for Proposed Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin**

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

**ACTION:** Notice; reopening of comment period, announcement of hearing, and availability of draft economic analysis.

**SUMMARY:** We, the Fish and Wildlife Service, announce the availability of the

draft economic analysis for the proposed designation of critical habitat for three threatened mussels and eight endangered mussels in the Mobile River Basin. We also give notice of a public hearing. We are reopening the comment period for the proposal to designate critical habitat for these species to accommodate the public hearing and to allow all interested parties to comment on the proposed rule and associated draft economic analysis. Comments previously submitted need not be resubmitted and will be fully considered in the final determination of the proposal.

**DATES:** The public hearing will be held from 7 to 10 p.m. central standard time on October 1, 2003, in Birmingham, Alabama.

Maps of the critical habitat units and information on the species will be available for public review on October 1, 2003 from 5:30 to 6:30 p.m.

The comment period is hereby reopened until October 14, 2003. We must receive comments on the proposal and draft economic analysis from all interested parties by the closing date. Any comments that we receive after the closing date will not be considered in the final decision on this proposal.

**ADDRESSES:** The public hearing will be held at Brock Forum, located in Dwight Beeson Hall on the campus of Samford University, 800 Lakeshore Drive, Birmingham, Alabama. You can get copies of the proposed rule for the critical habitat designation, maps, and draft economic analysis by downloading them on the Internet at <http://southeast.fws.gov/hotissues/>; or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, MS 39213; or by calling Connie Light Dickard, Mississippi Field Office, telephone 601/321-1121.

Written comments and materials concerning the proposal may be submitted to us at the hearing, or directly by any one of several methods:

1. You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, MS 39213.
2. You may hand-deliver written comments and information to our Mississippi Field Office, at the above address, or fax your comments to 601/965-4340.
3. You may send comments by electronic mail (e-mail) to [paul\\_hartfield@fws.gov](mailto:paul_hartfield@fws.gov). For directions on how to submit comments electronically, see the "Public Comments Solicited" section.

Comments and materials received, as well as supporting documentation used in preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Paul Hartfield, Mississippi Field Office, at the above address (telephone 601/321-1125, facsimile 601/965-4340).

**SUPPLEMENTARY INFORMATION:**

**Background**

We listed the fine-lined pocketbook (*Lampsilis altilis*), orange-nacre mucket (*Lampsilis perovalis*), and Alabama moccasinshell (*Medionidus acutissimus*) as threatened species, and the Coosa moccasinshell (*Medionidus parvulus*), southern clubshell (*Pleurobema decisum*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema georgianum*), ovate clubshell (*Pleurobema perovatum*), triangular kidneyshell (*Ptychobranchus greeni*), upland combshell (*Epioblasma metastrata*), and southern acornshell (*Epioblasma othcaloogensis*) as endangered species on March 17, 1993 (58 FR 14330).

On March 26, 2003, we published in the **Federal Register** a proposal to designate critical habitat for these species (68 FR 14752). The proposed designation includes portions of the Tombigbee River drainage in Mississippi and Alabama; portions of the Black Warrior River drainage in Alabama; portions of the Alabama River drainage in Alabama; portions of the Cahaba River drainage in Alabama; portions of the Tallapoosa River drainage in Alabama and Georgia; and portions of the Coosa River drainage in Alabama, Georgia, and Tennessee. The proposed designation encompasses a total of approximately 1,760 kilometers (km) (1,093 miles (mi)) of river and stream channels.

Section 4(b)(2) of the Act requires that we designate critical habitat based upon the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. We have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment (see **ADDRESSES** section). The results of our draft analysis suggest that

the potential economic impacts of the proposed designation range from \$9.03 million to \$33.3 million over the next 10 years. Please refer to the draft analysis for more details concerning the methodological approach and findings of the analysis.

**Public Hearing**

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. Donald Waldon, Tennessee-Tombigbee Waterway Development Authority; Randall Chafin, The Birmingham Waterworks Board; Ralph Clemens, Alabama-Tombigbee Rivers Coalition; Jerry Sailors, Coosa-Alabama Improvement Association; and Sheldon Morgan, Warrior-Tombigbee Waterway Association, individually requested a public hearing within the allotted time period.

Public hearings are designed to gather relevant information that the public may have that we should consider in the proposed designation of critical habitat or a draft economic analysis.

We will hold a public hearing in Birmingham, Alabama, on October 1, 2003, from 7 to 10 p.m. Birmingham is centrally located relative to the proposed critical habitat units and the affected States. The hearing location will be the Brock Forum, located in Dwight Beeson Hall on the campus of Samford University, 800 Lakeshore Drive, Birmingham, Alabama. All comments presented at the public hearing will be recorded by a court reporter. Maps of the critical habitat units and information on the species will be available for public review one hour prior to the public hearing between 5:30 and 6:30 p.m.

**Public Comments Solicited**

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat determination for the three threatened and eight endangered Mobile River Basin mussels and the draft economic analysis associated with the designation of critical habitat. All previous comments and information submitted during the comment period need not be resubmitted. Written comments may be submitted to the Field Supervisor (see **ADDRESSES** section).

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include "Attn: RIN 1018-AI73" and your name and return address in your e-mail message. If you

do not receive a confirmation from the system that we have received your e-mail message, please contact us directly by calling our Mississippi Field Office (*see* **ADDRESSES** section).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

We solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposal or the draft economic analysis. We particularly seek comments concerning:

(1) Are data available to develop more accurate estimates of the costs of project modifications related to the relicensing of Weiss Dam and operations at Carters Reregulation Dam;

(2) Are data available to discern the likelihood that the proposed water supply dams will be constructed within critical habitat; further, is information available regarding the costs of potential project modifications for construction of these dams;

(3) Are data available on additional land use practices, or current or planned activities in proposed critical habitat areas, that are not specifically or adequately addressed in this analysis; and

(4) Are data available detailing additional specific benefits of the species or habitat that may be incorporated qualitatively or quantitatively into the discussion of benefits?

#### Author

The primary author of this document is Paul Hartfield (*see* **ADDRESSES** section).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 5, 2003.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 03-20729 Filed 8-13-03; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 32

**RIN 1018-AI63**

#### 2003-2004 Refuge-Specific Hunting and Sport Fishing Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Fish and Wildlife Service proposes to add seven additional refuges to the list of areas open for hunting and/or sport fishing activities and increase the activities available at three other refuges for 2003-2004.

**DATES:** We must receive your comments on or before September 15, 2003.

**ADDRESSES:** Submit written comments to Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 670, Arlington, VA 22203. See

**SUPPLEMENTARY INFORMATION** for information on electronic submission. For information on specific refuges' public use programs and the conditions that apply to them or for copies of compatibility determinations for any refuge(s), contact individual programs at the addresses/phone numbers given in "Available Information for Specific Refuges" under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Leslie A. Marler, (703) 358-2397; Fax (703) 358-2248.

**SUPPLEMENTARY INFORMATION:** The National Wildlife Refuge System Administration Act of 1966 (Administration Act) closes national wildlife refuges to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or fishing, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), and consistent with the principles of sound fish and wildlife management and

administration. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the National Wildlife Refuge System (System or we) for the benefit of present and future generations of Americans.

We annually review refuge hunting and fishing programs to determine whether to include additional refuges.

Provisions governing hunting and fishing on national wildlife refuges are in Title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage the fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality recreational and educational experiences.

On many refuges where we decide to allow hunting and fishing, our general policy of adopting regulations identical to State hunting and fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the "Statutory Authority" section. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to either migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations list the wildlife species that you may hunt or those species subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of areas open to hunting or fishing, and other provisions as appropriate. You may find previously issued refuge-specific regulations for hunting and fishing in 50 CFR part 32.

#### Statutory Authority

The National Wildlife Refuge System Administration Act (Administration Act) of 1966 (16 U.S.C. 668dd-668ee, as amended) and the Refuge Recreation Act (Recreation Act) of 1962 (16 U.S.C. 460k-460k-4) govern the administration and public use of national wildlife refuges.

Amendments enacted by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) build upon the Administration Act in a manner that provides an "Organic Act" for the System similar to those that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the System as a national network of lands, waters, and