

PART 261—IDENTIFICATION AND LISTING HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.

2. In Table 1, of Appendix IX of Part 261 add the following waste stream in

alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste Description
* Lawrence Berkeley National Laboratory.	* Berkeley, California	* Treated ignitable and spent halogenated and non-halogenated solvent mixed waste (D001, F002, F003, and F005), and bubbler water on silica gel generated during treatment at the National Tritium Labeling Facility (NTLF) of the Lawrence Berkeley National Laboratory (LBNL). This is a one-time exclusion for 200 US gallons of treatment residues that will be disposed of in a Nuclear Regulatory Commission (NRC) licensed or Department of Energy (DOE) approved low-level radioactive waste disposal facility, after [publication date of the final rule in the FEDERAL REGISTER]. (1) Waste Management: The treated waste residue and bubbler water on silica gel must be managed in accordance with DOE or NRC requirements prior to and during disposal. (2) Reopener Language: (A) If, anytime after disposal of the delisted waste, LBNL possesses or is otherwise made aware of any data (including but not limited to leachate data or groundwater monitoring data) relevant to the delisted waste indicating that any organic constituent from the waste is detected in the leachate or the groundwater, then LBNL must report such data, in writing, to the Regional Administrator within 10 days of first possessing or being made aware of that data. (B) Based on the information described in paragraph (2)(A) and any other information received from any source, the Regional Administrator will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (C) If the Regional Administrator determines that the reported information does require Agency action, the Regional Administrator will notify LBNL NTLF in writing of the actions the Regional Administrator believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing LBNL with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. LBNL shall have 30 days from the date of the Regional Administrator's notice to present the information. (D) If after 30 days LBNL presents no further information, the Regional Administrator will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator's determination shall become effective immediately, unless the Regional Administrator provides otherwise. (3) Notification Requirements: LBNL must do the following before transporting the delisted waste off-site: (A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) Update the one-time written notification if LBNL ships the delisted waste to a different disposal facility. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the exclusion.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2002–12391]

NHTSA Vehicle Safety Rulemaking Priorities: 2002–2005

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments; correction.

SUMMARY: This document corrects the docket number for a request for comments on NHTSA’s vehicle safety rulemaking priorities published on Thursday, July 25, 2002 (67 FR 48599).

FOR FURTHER INFORMATION CONTACT: Lawrence L. Hershman, Office of Safety Performance Standards, NPS–33, National Highway Traffic Safety Administration, Room 5104, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–4929. Email: lhershman@nhtsa.dot.gov.

SUPPLEMENTARY INFORMATION: The notice that is the subject of this correction was published to announce the availability for review and comment of a planning document that describes NHTSA’s proposed vehicle safety rulemaking priorities through 2005. The plan includes those rulemaking actions of highest priority for the period 2002 to

2005, based primarily on the greatest potential protection of lives and prevention of injury that fall within the immediate four-year time frame. The plan was posted on NHTSA’s website on July 25, 2002. Comments will be evaluated and incorporated, as appropriate, into planned agency activities. The agency intends to update the plan periodically. Comments that cannot be accommodated in the current plan will be reviewed and considered in the context of future updates.

As published, the notice contained an incorrect docket number. The correct docket number is NHTSA–2002–12391. Comments should be addressed to that docket number.

Correction of Publication

Accordingly, the publication on July 25, 2002 (67 FR 48599) is corrected as follows:

On page 48599, in the heading, the docket number is corrected to NHTSA–2002–12391.

On page 48600, in the second sentence in the second paragraph of the **ADDRESS** section, the docket number is corrected to NHTSA–2002–12391.

On page 48600, in the second sentence of the first paragraph of the How Do I Prepare and Submit Comments? section, the docket number is corrected to NHTSA–2002–12391.

On page 48601, in item number 3. in the How Can I Read the Comments Submitted By Other People? section, the docket number is corrected to NHTSA–2002–12391.

Authority: 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: July 25, 2002.

Roger A. Saul,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 02–19368 Filed 7–26–02; 4:30 pm]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AI 11

Endangered and Threatened Wildlife and Plants; Listing the Beluga Sturgeon (*Huso huso*) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: In this proposed rule, we, the U.S. Fish and Wildlife Service (Service), propose to list the beluga sturgeon (*Huso huso*) as endangered pursuant to the Endangered Species Act of 1973, as amended (Act). The beluga sturgeon inhabits the Caspian and Black Seas, and spawns in the rivers that constitute the drainage basins of these seas. Loss of habitat throughout historic spawning areas due to dam construction and river-modification projects, over-harvest, widespread poaching and illegal trade, and pollution imperil the continued existence of this species. Due to the threat of over-harvest, this species was listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1998, when all previously unlisted Acipenseriformes were listed,

to conserve all sturgeon and paddlefish species in international trade. Despite the CITES listing, beluga sturgeon populations have continued to decline, and the population structure is increasingly skewed towards sub-adult fish, with a critical lack of spawning-age adult female fish. This proposal, if made final, would extend the Act's protection to this species. The Service seeks data and comments from the public on this proposal.

DATES: We must receive comments and information from all interested parties by October 29, 2002. Public hearing requests must be received by September 16, 2002.

ADDRESSES: Submit any comments, information, and questions by mail to the Chief, Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 750, Arlington, Virginia 22203, or by fax, 703–358–2276, or by e-mail, Scientificauthority@fws.gov. Comments and supporting information will be available for public inspection, by appointment, from 8 a.m. to 4 p.m. at the above address.

FOR FURTHER INFORMATION CONTACT: Marie Maltese at the above address, or by phone, 703–358–1708; fax, 703–358–2276; or e-mail, Scientificauthority@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The beluga sturgeon (*Huso huso*, Linnaeus, 1758), is a member of the genus *Huso*, family Acipenseridae, order Acipenseriformes, class Osteichthyes, phylum Chordata, and kingdom Animalia (Pirogovskii *et al.*, 1989). The family Acipenseriformes encompasses all species of sturgeon and paddlefish, the caviar-producing fishes considered the most economically valuable fish in the world. Sturgeon have been prized for their roe and flesh since ancient times (Bacalbasa-Dobrovici, 1997). The historic range of the beluga sturgeon included the Caspian Sea, Black Sea, Adriatic Sea, Sea of Azov, and all rivers within their watersheds (Khodorevskaya *et al.*, 2000). Range countries include Azerbaijan, Bulgaria, Croatia, the Czech Republic, Georgia, Hungary, the Islamic Republic of Iran, Kazakhstan, the Republic of Moldova, Romania, the Russian Federation, Turkey, Turkmenistan, Ukraine, and Yugoslavia. The Adriatic Sea population is considered extirpated, and the last record of a wild-caught specimen in the Sea of Azov occurred during the mid-1980s (TRAFFIC/Europe, 1999).

Birstein (1997) notes that any remnant beluga sturgeon population found within the Sea of Azov is maintained solely through stocking with hatchery-reared fish. The current range of the beluga sturgeon is limited to the Caspian and Black Seas, where until the 1990s, an estimated 80–90 percent of the world's sturgeon harvest were harvested from the Caspian Sea and lower reaches of the Volga River (Khodorevskaya *et al.*, 2000). Records compiled during the 19th Century indicated that the Black Sea *H. huso* population over-wintered and spawned as far north as the Austrian and Bavarian portions of the Danube River.

Beluga sturgeon are extremely vulnerable to depletion due to their unique life-history characteristics. The species is remarkably long-lived and slow to mature. The oldest recorded harvested sturgeon was found to be 118 years of age (DeMeulenaer and Raymakers, 1996), and 100-year-old beluga sturgeon were commonly taken in the northern Caspian Sea during the early 20th Century (Khodorevskaya *et al.*, 2000). However, current estimates indicate that the oldest fish harvested are 50–55 years of age, with the average age less than 35 years old (Khodorevskaya *et al.*, 2000).

Reproductive maturity is reached between 11 and 17 years (Khodorevskaya *et al.*, 1997). Male beluga sturgeon generally spawn once every 4–7 years, whereas females reproduce once every 4–8 years (Raspopov, 1993). Fecundity in adult females increases with age; an individual fish generally produces a greater number of eggs during each subsequent spawning run. Adult females are capable of producing up to 12 percent of their body weight in roe (DeMeulenaer and Raymakers, 1996). Reproductively mature females are targeted in the fishery. Therefore, continuous removal of the older segment of the population has skewed the current population structure towards younger sub-adults, and removed egg-bearing individuals from the population during the life stage that ensures the survival of the species (Khodorevskaya *et al.*, 1997). Many female beluga sturgeon will never reach a size or age that yields peak egg production, and may have only spawned once prior to harvest. Moreover, increased poaching and by-catch indiscriminately harvest juvenile sturgeon, which represent a significant loss to future breeding populations.

The Caspian Sea Population

Khodorevskaya *et al.* (2000) noted that the number of beluga sturgeon in