



# Federal Register

2-10-06

Vol. 71 No. 28

Friday

Feb. 10, 2006

United States  
Government  
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OF DOCUMENTS  
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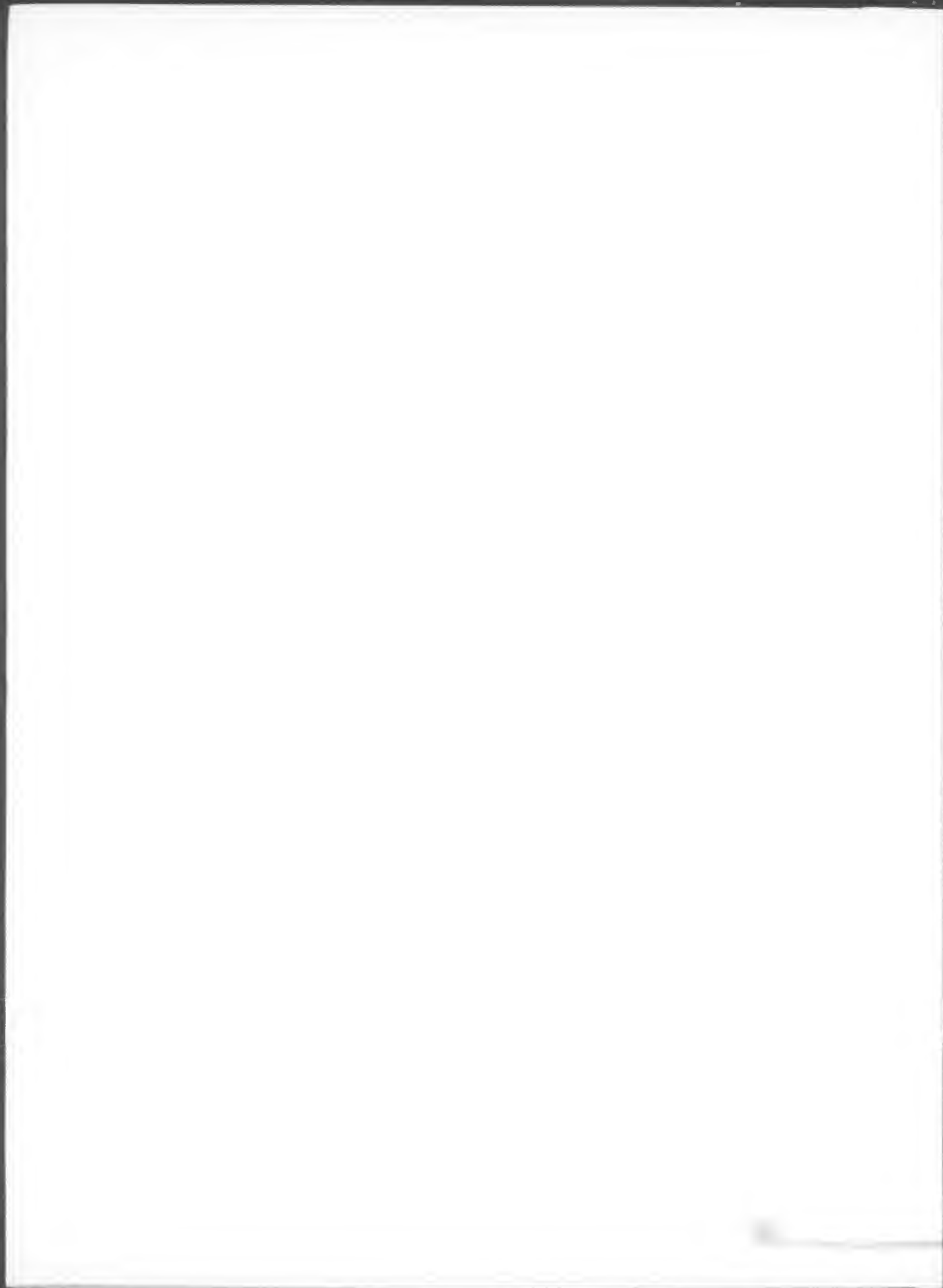
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(ISSN 0097-6326)





# Federal Register

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2-10-06

Vol. 71 No. 28

Pages 6973-7392

Friday

Feb. 10, 2006



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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**WHEN:** Tuesday, March 14, 2006  
9:00 a.m.-Noon

**WHERE:** Office of the Federal Register  
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**RESERVATIONS:** (202) 741-6008



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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-23733; Directorate Identifier 2006-CE-09-AD; Amendment 39-14481; AD 2006-03-17]

RIN 2120-AA64

#### Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 airplanes. This AD requires you to repetitively inspect fuselage frame No. XI for cracks and to replace fuselage frame No. XI and install reinforcement modifications if any cracks are found. The installation of reinforcement modifications is terminating action for the repetitive inspection requirement. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the European Union. We are issuing this AD to detect and correct cracks in fuselage frame No. XI, which could result in failure of this frame. This failure could lead to failure of the tail section of the airplane.

**DATES:** This AD becomes effective on February 24, 2006.

As of February 24, 2006, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

We must receive any comments on this AD by March 13, 2006.

**ADDRESSES:** Use one of the following to submit comments on this AD:

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- **Fax:** 1-202-493-2251.

- **Hand Delivery:** Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Polskie Zaklady Lotnicze Sp. zo.o., ul. Wojska Polskiego 3, 39-300 Mielec, Poland; telephone: 48 17 788 7440; facsimile: 48 17 788 7226.

To view the comments to this AD, go to <http://dms.dot.gov>. The docket number is FAA-2006-23733; Directorate Identifier 2006-CE-09-AD.

**FOR FURTHER INFORMATION CONTACT:** Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?*  
The European Aviation Safety Agency (EASA), which is the airworthiness authority for the European Union, recently notified FAA that an unsafe condition may exist on certain Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 airplanes. The EASA reports that during the inspection of a Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 airplane, cracks were found in frame no. XI at the rear of the fuselage.

The EASA further reports that the type certificate holder, Polskie Zaklady Lotnicze Spolka zo.o., believes that these cracks in the fuselage are due to excessive stresses generated by vertical tail loads when operating the airplane in the aerobatic category.

*What is the potential impact if FAA took no action?* Cracks in fuselage frame No. XI could result in failure of this frame and the tail section of the airplane.

*Is there service information that applies to this subject?* Polskie Zaklady Lotnicze Spolka zo.o. has issued Bulletin No. E/62.018/2005, dated November 30, 2005.

*What are the provisions of this service information?* The service bulletin includes procedures for:

- Inspecting for cracks in fuselage frame No. XI;
- Replacing fuselage frame No. XI; and
- Installing reinforcement modifications for fuselage frame No. XI.

*What action did the EASA take?* The EASA classified this service bulletin as mandatory and issued EASA AD Number 2006-0011-E, dated January 12, 2006, to ensure the continued airworthiness of these airplanes in the European Union.

*Did the EASA inform the United States under the bilateral airworthiness agreement?* These Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 airplanes are manufactured in Poland (a member state of the European Union and EASA) and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the EASA has kept us informed of the situation described above.

#### FAA's Determination and Requirements of This AD

*What has FAA decided?* We have examined the EASA's findings, reviewed all available information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 airplanes of the same type design that are registered in the United States, we are issuing this AD to detect and correct cracks in fuselage frame No. XI, which could result in failure of this frame and the tail section of the airplane.

*What does this AD require?* This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparing this rule, we contacted type clubs and aircraft operators to get

technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included a discussion of any information that may have influenced this action in the rulemaking docket.

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

#### Comments Invited

*Will I have the opportunity to comment before you issue the rule?* This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include the docket number, "FAA-2006-23733; Directorate Identifier 2006-CE-09-AD" at the beginning of your comments. We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD.

Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA-2006-23733; Directorate Identifier 2006-CE-09-AD. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://dms.dot.gov>.

*Are there any specific portions of this AD I should pay attention to?* We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received

by the closing date and may amend this AD in light of those comments and contacts.

#### Docket Information

*Where can I go to view the docket information?* You may view the AD docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

#### Authority for This Rulemaking

*What authority does FAA have for issuing this rulemaking action?* Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

#### Regulatory Findings

*Will this AD impact various entities?* We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

*Will this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative.

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "Docket No. FAA-2006-23733; Directorate Identifier 2006-CE-09-AD" in your request.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

- Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2006-03-17** **Polskie Zakłady Lotnicze Spółka Zo.o.:** Amendment 39-14481; Docket No. FAA-2006-23733; Directorate Identifier 2006-CE-09-AD.

#### When Does This AD Become Effective?

- (a) This AD becomes effective on February 24, 2006.

#### Are Any Other ADs Affected by This Action?

- (b) None.

#### What Airplanes Are Affected by This AD?

- (c) This AD affects Model PZL M26 01, serial numbers 1APP01-01 and 1AP002-01 through 1AP002-06, that are certificated in any category.

#### What Is the Unsafe Condition Presented in This AD?

- (d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the European Aviation Safety Agency (EASA), the airworthiness authority, for the European Union. We are issuing this AD to detect and correct cracks in fuselage frame No. XI, which could result in failure of this frame. This failure could lead to the failure of the tail section of the airplane.

#### What Must I Do To Address This Problem?

- (e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect fuselage frame No. XI for any cracks.	Before further flight after February 24, 2006 (the effective date of this AD). Thereafter, repetitively inspect every 20 hours time-in-service (TIS) until you do the installation of reinforcement modifications for fuselage frame No. XI required by paragraph (e)(2)(ii) of this AD.	Follow Polskie Zaklady Lotnicze Sp. zo.o. Bulletin No. E/62.018/2005, dated November 30, 2005.
(2) If you find any cracks in fuselage frame No. XI as a result of any inspection required by paragraph (e)(1) of this AD, you must: (i) Remove and replace any cracked fuselage frame No. XI; and (ii) Do the installation of reinforcement modifications for fuselage frame No. XI.	Before further after the inspection required by paragraph (e)(1) of this AD. The installation of reinforcement modifications required by paragraph (e)(2)(ii) of this AD is the terminating action for the repetitive inspection requirements of paragraph (e)(1) of this AD.	Follow Polskie Zaklady Lotnicze Sp. zo.o. Bulletin No. E/62.018/2005, dated November 30, 2005.
(3) Do not install any fuselage frame No. XI without also the reinforcement modifications required by paragraph (e)(2)(i) of this AD.	As of February 24, 2006 (the effective date of this AD).	Follow Polskie Zaklady Lotnicze Sp. zo.o. Bulletin No. E/62.018/2005, dated November 30, 2005.

#### May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090.

#### May I Reposition or Obtain a Special Flight Permit for the Requirements of this AD?

(g) No. After February 24, 2006 (the effective date of this AD), you may not operate the airplane to return/position the airplane to a home base, hangar, maintenance facility, or other location for the purpose of meeting the initial inspection requirements of paragraph (e)(1) of this AD. Special flight permits are prohibited for the purpose of meeting the replacement or reinforcement requirements of paragraphs (e)(2)(i) or (e)(2)(ii) of this AD. The condition is of the nature that continued flight past the effective date of this AD could severely jeopardize safety of flight.

#### Is There Other Information That Relates to This Subject?

(h) EASA AD Number 2006-0011-E, dated January 12, 2006, also addresses the subject of this AD.

#### Does This AD Incorporate Any Material by Reference?

(i) You must do the actions required by this AD following the instructions in Polskie Zaklady Lotnicze Sp. zo.o. Bulletin No. E/62.018/2005, dated November 30, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Polskie Zaklady Lotnicze Sp. zo.o., ul. Wojska Polskiego 3, 39-300 Mielec, Poland; telephone: 48 17 788

7440; facsimile: 48 17 788 7226. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html) or call (202) 741-6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is Docket No. FAA-2006-23733; Directorate Identifier 2006-CE-09-AD.

Issued in Kansas City, Missouri, on February 3, 2006.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 06-1198 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-06-011]

#### Drawbridge Operation Regulations; Niantic River, Niantic, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge at mile 0.0, across the Niantic River, at Niantic, Connecticut. This deviation allows the bridge owner to require an advance notice for bridge openings from February 3, 2006 through April 3, 2006. This deviation is

necessary in order to facilitate emergency unscheduled bridge maintenance.

**DATES:** This deviation is effective from February 3, 2006 through April 3, 2006.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Commander (dpb) First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The Commander (dpb), First Coast Guard District, maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Amtrak Bridge has a vertical clearance in the closed position of 11 feet at mean high water and 14 feet at mean low water. The existing drawbridge operating regulations are listed at 33 CFR 117.215(a).

The owner of the bridge, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the drawbridge operating regulations to facilitate the emergency replacement of the bridge control system, after informing the Coast Guard of this emergency on January 12, 2006. The bridge will not be able to open on signal for vessel traffic during the performance of this scheduled maintenance.

The bridge owner did not provide the required thirty-day notice to the Coast Guard for this deviation; however, in accordance with 33 CFR 117.35(b) this deviation was requested because the repairs are necessary repairs that must be performed without undue delay in order to assure the continued safe reliable operation of the bridge and

prevent an unscheduled closure due to component failure.

As a result, the bridge owner has requested that mariners provide an advance notice for bridge openings to allow maintenance personnel sufficient time to manually open the bridge.

Under this temporary deviation, in effect from February 3, 2006 through April 3, 2006, the Amtrak Bridge at mile 0.0, across the Niantic River, Connecticut, shall open on signal from 5 a.m. to 10 p.m. after a one-hour notice is given and from 10 p.m. to 5 a.m., after a two-hour notice is given by calling the number posted at the bridge.

In accordance with 33 CFR 117.35(b), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 2, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 06-1252 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-06-005]

#### Drawbridge Operation Regulations: Connecticut River, Old Lyme, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the AMTRAK Old Saybrook-Old Lyme Bridge, across the Connecticut River at mile 3.4, at Old Lyme, Connecticut. This deviation from the regulations allows the bridge to operate on a fixed schedule for bridge openings from February 4, 2006 through March 6, 2006, and also authorizes one 12-hour and two 72-hour bridge closures. This deviation is necessary in order to facilitate scheduled bridge maintenance.

**DATES:** This deviation is effective from February 4, 2006 through March 6, 2006.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408

Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The AMTRAK Old Saybrook-Old Lyme Bridge, at mile 3.4, across the Connecticut River has a vertical clearance in the closed position of 19 feet at mean high water and 22 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.205(b).

The owner of the bridge, National Railroad Passenger Corporation (AMTRAK), requested a temporary deviation from the drawbridge operating regulations to facilitate scheduled electrical and mechanical bridge repairs. In order to prosecute the above repairs the bridge must open on a fixed bridge opening schedule.

This deviation from the operating regulations allows the AMTRAK Old Saybrook-Old Lyme Bridge to operate from February 4, 2006 through March 6, 2006, as follows:

From Monday through Friday, the bridge shall open on signal at 8:15 a.m., 12:15 p.m., and 2:15 p.m.

On Saturday and Sunday the bridge shall open on signal at 8 a.m., 10 a.m., 1 p.m., and 4 p.m.

The bridge shall open on signal for all vessel traffic from 4 p.m. through 8 a.m. after a four-hour advance notice is given by calling the number posted at the bridge.

The bridge shall open on signal for commercial vessels at any time after a four-hour advance notice is given by calling the number posted at the bridge.

In addition, the bridge may remain in the closed position for all vessels from 7 a.m. through 7 p.m. on February 6, 2006 from 12:01 a.m. February 11, through 11:59 p.m. February 13, 2006 and 12:01 a.m. February 18 through 11:59 p.m. February 20, 2006.

This temporary deviation does not affect the operation of the CONRAIL Middletown-Portland Bridge, mile 32.0, across the Connecticut River, which is also listed under 33 CFR § 117.205(b).

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 3, 2006.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 06-1253 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-06-002]

RIN 1625-AA00

#### Safety Zone; Cuyahoga River, Cleveland, OH

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for installing the West Third Street Bridge on the Cuyahoga River. The safety zone is limited to the area surrounding the bridge span during the installment process. The safety zone is necessary to ensure the safety of those working on the bridge. All other portions of the Cuyahoga River are unaffected. If the installment process is completed ahead of schedule this safety zone will be canceled immediately and notices made to the public by means of Local Notice to Mariners Broadcasts.

**DATES:** This rule is effective from 7 a.m. (local) Wednesday, February 1, 2006 through 1 p.m. (local) on Tuesday, February 28, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are parts of docket [CGD09-06-002] and are available for inspection or copying at the U.S. Coast Guard Marine Safety Unit Cleveland, 1055 East Ninth Street, Cleveland, Ohio 44114, between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Nichol Starr, U.S. Coast Guard Marine Safety Unit Cleveland, at (216) 937-0128.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The timing of this construction evolution did not allow sufficient time for the publication of an NPRM followed by an effective

date before the event. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of work crews, vessels and the general public during this event, and immediate action is necessary to prevent possible loss of life or property.

#### **Background and Purpose**

This safety zone is necessary and intended to manage vessel traffic in order to provide for the safety of life and property on the Cuyahoga River during the West Third Street Bridge Replacement process. The Captain of the Port has determined that this evolution poses a threat to vessel operators due to the navigational risks associated with the replacement process. The Captain of the Port has determined that vessels operating in close proximity to the tug and barge replacing the bridge span pose a risk to safety and property.

#### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed this rule under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary.

This determination is based on the time that the safety zone will be in effect, schedules from the Great Lakes Commercial Shipping Agents, and that advance notice will be made to the maritime community via Local Notice to Mariners and marine safety information broadcasts. This regulation is tailored to impose a minimal impact on maritime interests without compromising safety.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their

fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit a portion of the activated safety zone.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: The U.S. Coast Guard has made agreements between the Lake Carriers Association, Canadian Steamship Association and the local businesses so as not to interrupt commerce. All parties mentioned agree that this safety zone will not impede commerce. Businesses affected are not planning on receiving any goods during this period from commercial vessels. All navigable waters above and below the safety zone are open to navigation. Before the activation of the safety zone, the Coast Guard will issue maritime advisories available to users who may be impacted through Local Notice to Mariners, facsimile, and marine safety information broadcasts. Additionally, the Coast Guard has not received any reports from small entities that will be negatively affected.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Cleveland (see **ADDRESSES**).

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions

annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### **Collection of Information**

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

The Coast Guard has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedure; and related management system practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2. of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2-1, paragraph (34)(g) of the Commandant Instruction M16475.1D, from further environmental documentation.

A preliminary "Environmental Analysis Check List" is available in the docket where indicated under ADDRESSES. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further review.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09-002 to read as follows:

#### § 165.T09-002 Safety Zone; West Third Street Bridge replacement project, Cuyahoga River, Cleveland, OH.

(a) *Location.* The following area is a safety zone: All waters of the Cuyahoga River from Mile 3.59 to Mile 3.79.

(b) *Effective Period.* This rule is effective from 7 a.m. (local) Wednesday, February 1, 2006 through 1 p.m. (local) on Tuesday, February 28, 2006.

(c) *Regulations.* Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Coast Guard may be contacted via VHF Channel 16.

Dated: February 1, 2006.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 06-1254 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-15-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 122 and 412

[EPA-HQ-OW-2005-0036; FRL-8031-3]

RIN 2040-AE80

#### Revised Compliance Dates for National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines for Concentrated Animal Feeding Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** Today's rule extends certain compliance dates in the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in conjunction with EPA's efforts to respond to the order issued by the Second Circuit Court of Appeals in *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2nd Cir. 2005). The purpose of today's rule is to address timing issues associated with the Agency's response to the *Waterkeeper* decision.

This final rule revises dates established in the 2003 CAFO rule, issued on February 12, 2003, by which facilities newly defined as CAFOs were required to seek permit coverage and by which all CAFOs were required to have nutrient management plans (NMPs) developed and implemented. EPA is extending the date by which operations defined as CAFOs as of April 14, 2003, who were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from February 13, 2006, to July 31, 2007. EPA is also amending the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from April 13, 2006, to July 31, 2007. Finally, EPA is extending the deadline by which CAFOs are required to develop and implement NMPs, from December 31, 2006, to July 31, 2007. This rule revises all references to the date by which NMPs must be developed and implemented currently in the 2003 CAFO rule.

**DATES:** This rule is effective as of February 10, 2006.

**ADDRESSES:** EPA established a docket for this action under Docket ID No. EPA-OW-2005-0036. This is where you can obtain a copy of all materials related to this rulemaking, including the



comment response document and the rule. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Water Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:**  
Kawana Cohen, Water Permits Division,

Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-2345, e-mail address: [cohen.kawana@epa.gov](mailto:cohen.kawana@epa.gov).

**SUPPLEMENTARY INFORMATION:**

- I. General Information  
A. Does this Action Apply to Me?  
II. Background  
A. The Clean Water Act  
B. History of Actions To Address CAFOs Under the NPDES Permitting Program  
C. Status of EPA's Response to the Waterkeeper Decision  
D. Proposed Rule  
III. Today's Final Rule  
A. Today's Final Action  
1. Application Deadline for Newly Defined CAFOs  
2. Deadline for Nutrient Management Plans  
B. Rationale for Today's Action  
IV. Effective Date of These Actions  
V. Statutory and Executive Order Reviews  
A. Executive Order 12866: Regulatory Planning and Review  
B. Paperwork Reduction Act  
C. Regulatory Flexibility Act

- D. Unfunded Mandates Reform Act  
E. Executive Order 13132: Federalism  
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments  
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks  
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use  
I. National Technology Transfer and Advancement Act  
J. Congressional Review Act

**I. General Information**

*A. Does This Action Apply to Me?*

This action applies to concentrated animal feeding operations (CAFOs) as defined in section 502(14) of the Clean Water Act and in the NPDES regulations at 40 CFR 122.23. The following table provides a list of standard industrial codes and analogous North American industry codes for operations covered under this revised rule:

TABLE 1.—ENTITIES POTENTIALLY REGULATED BY THIS RULE

Category	Examples of regulated entities	North American industry code (NAIC)	Standard industrial classification code
Federal, State, and Local Government: Industry .....	Operators of animal production operations that meet the definition of a CAFO.		
	Beef cattle feedlots (including veal) .....	112112	0211
	Beef cattle ranching and farming .....	112111	0212
	Hogs .....	11221	0213
	Sheep .....	11241, 11242	0214
	General livestock except dairy and poultry .....	11299	0219
	Dairy farms .....	11212	0241
	Broilers, fryers, and roaster chickens .....	11232	0251
	Chicken eggs .....	11231	0252
	Turkey and turkey eggs .....	11233	0253
	Poultry hatcheries .....	11234	0254
	Poultry and eggs .....	11239	0259
	Ducks .....	112390	0259
	Horses and other equines .....	11292	0272

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated under this rulemaking, you should carefully examine the applicability criteria in 40 CFR 122.23. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**II. Background**

*A. The Clean Water Act*

Congress passed the Federal Water Pollution Control Act (1972), also known as the Clean Water Act (CWA), to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" (33 U.S.C. 1251(a)). Among the core provisions, the CWA establishes the NPDES permit program to authorize and regulate the discharge of pollutants from point sources to waters of the U.S. 33 U.S.C. 1342. Section 502(14) of the CWA specifically includes CAFOs in the definition of the term "point source." Section 502(12) defines the term "discharge of a

pollutant" to mean "any addition of any pollutant to navigable waters from any point source." EPA has issued comprehensive regulations that implement the NPDES program at 40 CFR part 122. The Act also provides for the development of technology-based and water quality-based effluent limitations that are imposed through NPDES permits to control the discharge of pollutants from point sources. CWA section 301(a) and (b).

*B. History of Actions To Address CAFOs Under the NPDES Permitting Program*

EPA's regulation of wastewater and manure from CAFOs dates to the 1970s. EPA initially issued national effluent

limitations guidelines and standards for feedlots on February 14, 1974 (39 FR 5704), and NPDES CAFO regulations on March 18, 1976 (41 FR 11458).

In February 2003, EPA issued revisions to these regulations that focused on the 5% of the nation's animal feeding operations (AFOs) that presented the highest risk of impairing water quality and public health (68 FR 7176) (the "2003 CAFO rule"). The 2003 CAFO rule required the owner or operators of all CAFOs<sup>1</sup> to seek coverage under an NPDES permit. CAFO industry organizations (American Farm Bureau Federation, National Pork Producers Council, National Chicken Council, and National Turkey Federation (NTF), although NTF later withdrew its petition) and environmental groups (Waterkeeper Alliance, Natural Resources Defense Council, Sierra Club, and American Littoral Society) filed petitions for judicial review of certain aspects of the 2003 CAFO rule. This case was brought before the U.S. Court of Appeals for the Second Circuit. On February 28, 2005, the court ruled on these petitions and upheld most provisions of the 2003 rule but vacated and remanded others. *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2nd Cir. 2005) (hereafter referred to as *Waterkeeper*).

#### C. Status of EPA's Response to the *Waterkeeper* Decision

EPA is developing a rulemaking to respond to the vacatures and remands in the *Waterkeeper* decision. EPA plans to issue a proposed rulemaking for public comment in mid 2006 and a final rulemaking as expeditiously as possible. Among other revisions related to the court's decision the Agency plans to address in the forthcoming rulemaking are those that establish which CAFOs must seek permit coverage and procedures for development and implementation of nutrient management plans (NMPs).

#### D. Proposed Rule

On December 21, 2005, EPA proposed to revise each of the compliance dates in the 2003 CAFO rule that were affected by the Agency's need to respond to the *Waterkeeper* decision. 70 FR 75771 (December 21, 2005). The 2003 CAFO rule required all newly defined CAFOs, as of the date of the final rule, and some new dischargers to

seek permit coverage by February 13, 2006, or April 13, 2006, respectively. The rule also required all CAFOs to develop and implement an NMP by December 31, 2006. EPA proposed to revise these dates in a separate, limited rulemaking, prior to the Agency's response to the *Waterkeeper* decision, in order: (1) To provide the Agency sufficient time to take final action on the regulatory revisions it plans to propose in the near future with respect to the Second Circuit's decision; and (2) to require NMPs to be submitted at the time of the permit application, consistent with the court's decision.

### III. Today's Final Rule

#### A. Today's Final Action

Today's final rule extends certain dates for compliance specified in the 2003 CAFO rule. EPA is extending the dates for newly defined CAFOs to seek NPDES permit coverage and the date by which all CAFOs must develop and implement NMPs. Because EPA will not have completed the rulemaking responding to the *Waterkeeper* decision prior to the dates by which newly defined CAFOs must seek permit coverage, the Agency is revising these dates to a time that is subsequent to the forthcoming CAFO rule revision.

Today's rule is simply a means of avoiding conflict with existing deadlines that precede EPA's upcoming revisions to the 2003 rules. Today's rule does not, for example, address issues associated with the court's vacature of the requirement that all CAFOs seek coverage under an NPDES permit. That issue and other related issues, such as those associated with the development and implementation of nutrient management plans (NMPs) will be addressed in the separate forthcoming rulemaking.

#### 1. Application Deadline for Newly Defined CAFOs

EPA is extending the date by which operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date, must seek NPDES permit coverage, from February 13, 2006, to July 31, 2007. EPA is also proposing to amend the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage, from April 13, 2006, to July 31, 2007.

Today's rule does not affect the applicable time for seeking permit coverage for new source CAFOs that discharge or propose to discharge, even

those in categories that were added to the definition of a CAFO in the 2003 CAFO rule. New source CAFOs that discharge or propose to discharge are required by the 2003 CAFO rule to seek NPDES permit coverage at least 180 days prior to the time that they commence operating.

Nor does today's rule affect requirements for newly defined CAFOs to obtain permit coverage in States that do not revise the deadlines in their current regulations. States may choose to require CAFOs to obtain NPDES permits in advance of the dates set in the federal NPDES regulations, pursuant to the authority reserved to States under Section 510 of the Clean Water Act to adopt requirements more stringent than those that apply under federal law. Furthermore, many CAFOs are already permitted and the extension of the deadline for requesting NPDES permit coverage does not apply to CAFOs that existed prior to the effective date of the 2003 CAFO rule and as such were required to seek NPDES permit coverage even before EPA issued the 2003 CAFO rule.

#### 2. Deadline for Nutrient Management Plans

EPA is extending the deadline by which permitted CAFOs are required to develop and implement NMPs, from December 31, 2006, to July 31, 2007. This revises all references to the date by which NMPs must be developed and implemented currently in the 2003 CAFO rule. Thus the deadlines established in 40 CFR 122.21(i)(1)(x), 122.42(e)(1), 412.31(b)(3), and 412.43(b)(2) are all revised accordingly.

Today's rule extending deadlines for nutrient management plans would not affect CAFOs operating under existing permits so long as those permits remain in effect. If their existing permits require development and implementation of an NMP, currently permitted CAFOs must develop and implement their NMPs in accordance with the terms of their current permit.

#### B. Rationale for Today's Action

In December 2005, EPA proposed to extend the dates that EPA is today revising for certain CAFOs to seek NPDES permit coverage and for CAFOs to develop and implement NMPs to March 30, 2007. At the time of the proposed rule, EPA believed that setting the revised dates to March 30, 2007, would allow sufficient time for the Agency to complete the forthcoming rule to address the *Waterkeeper* decision. In proposing these date changes, EPA also reasoned that the rationales for these revised dates were

<sup>1</sup> The Clean Water Act regulates the conduct of persons, which includes the owners and operators of CAFOs, rather than the facilities or their discharges. To improve readability in this preamble, reference is made to "CAFOs" as well as "owners and operators of CAFOs." No change in meaning is intended.

generally consistent with the rationales that the Agency had originally relied upon in setting the compliance dates in the 2003 CAFO rule and that these dates would ensure compliance with the NPDES regulations applicable to CAFO owners and operators within a reasonable timeframe consistent with the dates established in the 2003 rule.

EPA received a number of comments on the proposed rule, including comments from States, industry, agricultural trade associations, and environmental groups. Some commenters asserted that the proposed rule is not consistent with the part of the court's decision that vacated the "duty to apply" provision of the 2003 regulations. The "duty to apply" provision required all CAFOs to apply for a permit, including those with only a potential to discharge. Commenters maintained that the language of the proposed rule was not appropriate because it continued to follow the approach in the 2003 CAFO regulations, under which all CAFOs must have or seek a permit.

In response, EPA reiterates that it will address the various aspects of the court's *Waterkeeper* decision, including the court's ruling on the "duty to apply" issue, in a forthcoming rulemaking. That rulemaking will address the regulations on *who* must apply for a permit in order to conform those regulations to the court's ruling. Nothing in today's rule affects or otherwise addresses the issue of *who* must apply for a permit. Today's rule only shifts the deadline for *when* a permit application must be submitted by those CAFOs that are required to apply. As a sequence of events, EPA expects that its upcoming rulemaking to respond to *Waterkeeper* will change the universe of *who* must apply for a permit and that those regulations will be finalized and effective *before* the new deadline of July 31, 2007, promulgated in today's rule for permit applications. As a result, only those CAFOs that are required to apply for a permit—as redefined in the upcoming rulemaking—will be subject to the permit application deadlines in today's rule. EPA notes in particular that today's rule is not intended to, and does not, have the effect of requiring *all* CAFOs to apply for a permit by the new deadlines in today's rule.

Some commenters asserted that the proposed deadlines would not offer CAFOs sufficient time to submit permit applications that will comply with the regulatory revisions the Agency is planning to address in its response to the *Waterkeeper* decision. These commenters noted that the proposed March 30, 2007, permit application

deadline will not provide EPA sufficient time to propose and take final action on such regulatory revisions in time for CAFOs to apply for permits by that date.

EPA is revising its proposal to extend the date from March 30, 2007, to July 31, 2007, to provide sufficient time for the Agency to promulgate regulations addressing the *Waterkeeper* decision. EPA intends to propose such regulations in mid 2006 and to take final action on that proposal as soon as possible thereafter, so that affected CAFOs will have sufficient time to comply with revised regulations after they take effect. In addition, EPA notes that most of the technical provisions of the 2003 CAFO rule (e.g., the substantive NMP requirements) were unaffected by the *Waterkeeper* decision, and therefore CAFOs do have some information at this time to assess the actions they will need to take. Should the Agency decide that a further extension of time is necessary to allow CAFOs an adequate opportunity to meet the requirements of the revised regulations, EPA could allow a further extension in the final rule.

Commenters also raised issues about the way in which the proposed rule failed to separate the date by which an NMP needs to be developed from the date when the CAFO must implement the NMP. Commenters expressed the view that keeping the dates together was inconsistent with the *Waterkeeper* court's decision to require NMPs to be publicly reviewed and the terms of the NMP to be included as conditions in a CAFO's permit before they could be implemented, as such. As discussed above, EPA is developing a rule to address the court's decision regarding public and permitting authority review and the inclusion of NMPs in permits and will issue the proposed rule in mid 2006 and the final rule as soon as possible thereafter. That rule will address issues raised by the commenters in that rulemaking and it is premature to resolve them now. Should further revisions to the deadlines for development and implementation be necessary to address these concerns, the Agency could further modify the dates in the final rule.

Several commenters expressed the view that EPA needed to take into consideration the time necessary for States to make conforming revisions to State programs following EPA's regulatory revisions. While EPA agrees that States need additional time to modify their programs once EPA has finalized its regulatory revisions in response to the *Waterkeeper* decision, the Agency does not believe that these concerns justify further extension of the

compliance dates in today's rule. EPA is committed to work with States and other interested parties to work through the procedural challenges and resolve any difficulties that may arise in the implementation of the regulatory revisions.

#### IV. Effective Date of These Actions

EPA is making this rule immediately effective upon the date of publication. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction" and section 553(d)(3) which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." EPA finds that there is good cause to make the rule effective immediately. The 2003 CAFO rule requires some CAFOs to seek NPDES permit coverage and prepare and implement nutrient management plans in 2006 well before EPA regulations will be in place to respond to the *Waterkeeper's* decision. Making this rule immediately effective is consistent with the purpose of the good cause exemption which is to provide reasonable time for affected parties to comply. A delayed effective date is not necessary because affected parties do not have to take any action to comply with this rule which simply extends deadlines for seeking NPDES permit coverage and preparing and implementing nutrient management plans. In addition, consistent with section 553(d)(3), an immediate effective date is justified because this rule relieves certain CAFOs of obligations which would otherwise apply to them, to seek NPDES permit coverage and develop and implement nutrient management plans in 2006.

#### V. Statutory and Executive Order Reviews

##### A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, (58 FR 51735; October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and, therefore, is not subject to OMB review.

#### B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* As discussed above, the purpose of today's rule is solely to address timing issues associated with the Agency's response to the *Waterkeeper* court ruling based on litigation ensuing from the 2003 CAFO rule. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations at 40 CFR parts 9, 122, 123, and 412 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040-0250. The EPA ICR number for the original set of regulations is 1989.02. A copy of the OMB approved Information Collection Request (ICR) may be obtained from Susan Auby, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460 or by calling (202) 566-1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of

information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

#### C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute 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 organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business based on Small Business Administration (SBA) size standards; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This action will not have a significant economic impact on a substantial number of small entities since the effect of the rule is solely to extend certain deadlines related to NPDES CAFO permitting. Additionally, this rule would not affect small governments, as the permitting authorities are State or Federal agencies.

#### D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and to adopt the least costly, most cost-

effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. As discussed above, the purpose of today's rule is solely to address timing issues associated with the Agency's response to the *Waterkeeper* court ruling based on litigation ensuing from the 2003 CAFO rule.

#### E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6(b) of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed

regulation. Under section 6(c) of Executive Order 13132, EPA may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

EPA has concluded that this rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. EPA does not consider an annual impact of \$2 million on States to be a substantial effect. In addition, EPA does not expect this rule to have any impact on local governments.

Further, the revised regulations do not alter the basic State-Federal scheme established in the Clean Water Act under which EPA authorizes States to carry out the NPDES permitting program. EPA expects the revised regulations to have little effect on the relationship between, or the distribution of power and responsibilities among, the Federal and State governments. Thus, Executive Order 13132 does not apply to this rule.

#### *F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

Executive Order 13175, entitled, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249; November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."

This regulation does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, 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 solicited additional comment on this proposed rule from tribal officials.

#### *G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks*

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045 because it is not economically significant as defined under E.O. 12866, and because the Agency does not have reason to believe the environmental health and safety risks addressed by this action present a disproportionate risk to children. The benefits analysis performed for the 2003 CAFO rule determined that the rule would result in certain significant benefits to children's health. (Please refer to the *Benefits Analysis* in the record for the 2003 CAFO final rule.) Since today's action would not affect the environmental benefits of the rule, these benefits are retained.

#### *H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This final rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

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

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standard bodies.

The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This final rule does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### *J. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective February 10, 2006.

#### **List of Subjects**

##### *40 CFR Part 122*

Administrative practice and procedure, Confidential business information, Hazardous substances, Reporting and recordkeeping requirements, Water pollution control.

##### *40 CFR Part 412*

Environmental protection, Feedlots, Livestock, Waste treatment and disposal, Water pollution control.

Dated: February 7, 2006.

**Stephen L. Johnson,**  
*Administrator.*

■ 40 CFR part 122 and 412 are amended as follows:

#### **PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

■ 1. The authority citation for part 122 continues to read as follows:

**Authority:** The Clean Water Act, 33 U.S.C. 1251 et seq.

■ 2. Amend § 122.21 by revising paragraph (i)(1)(x) to read as follows:

#### **§ 122.21 Application for a permit (applicable to State programs, see § 123.25).**

\* \* \* \* \*  
(i) \* \* \*  
(1) \* \* \*

(x) For CAFOs that must seek coverage under a permit after July 31, 2007, certification that a nutrient management plan has been completed and will be implemented upon the date of permit coverage.

\* \* \* \* \*

■ 3. Amend § 122.23 by revising paragraphs (g)(1) and (g)(3)(iii) to read as follows:

**§ 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).**

\* \* \* \* \*

(g) \* \* \*

(1) *Operations defined as CAFOs as of April 14, 2003, who were not defined as CAFOs prior to that date.* For all CAFOs, the owner or operator of the CAFO must seek to obtain coverage under an NPDES permit by a date specified by the Director, but no later than July 31, 2007.

(3) \* \* \*

(iii) If an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until July 31, 2007, or 90 days after becoming defined as a CAFO, whichever is later.

\* \* \* \* \*

■ 4. Amend § 122.42 by revising the third and fourth sentences in paragraph (e)(1) introductory text to read as follows:

**§ 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see § 123.25).**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \* Permitted CAFOs must have their nutrient management plans developed and implemented by July 31, 2007. CAFOs that seek to obtain coverage under a permit after July 31, 2007, must have a nutrient management plan developed and implemented upon the date of permit coverage. \* \* \*

\* \* \* \* \*

**PART 412—CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) POINT SOURCE CATEGORY**

■ 5. The authority citation for part 412 continues to read as follows:

**Authority:** 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, 1361.

■ 6. Amend § 412.31 by revising paragraph (b)(3) to read as follows:

**§ 412.31 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).**

\* \* \* \* \*

(b) \* \* \*

(3) The CAFO shall attain the limitations and requirements of this paragraph by July 31, 2007.

■ 7. Amend § 412.43 by revising paragraph (b)(2) to read as follows:

**§ 412.43 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).**

\* \* \* \* \*

(b) \* \* \*

(2) The CAFO shall attain the limitations and requirements of this paragraph by July 31, 2007.

[FR Doc. 06-1240 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 040804229-4300-02; I.D. 010606A]

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; landing limit.

**SUMMARY:** NMFS announces that the Administrator, Northeast (NE) Region, NMFS (Regional Administrator), is implementing a yellowtail flounder trip limit of 1,500 lb (680.4 kg) per day, up to a maximum of 15,000 lb (6,804.1 kg) per trip, for NE multispecies Days-at-Sea (DAS) vessels fishing in both the Western and Eastern U.S./Canada Areas. This action is required by the regulations enacting Amendment 13 to the NE Multispecies Fishery Management Plan and is necessary to prevent the GB yellowtail flounder total allowable catch (TAC) from being caught before the end of the 2005 fishing year and to increase the likelihood that the GB yellowtail TAC will be available through the end of the 2005 fishing year on April 30, 2006. This action is being taken to slow the rate of harvest of GB yellowtail flounder under the authority of the Magnuson-Stevens Fishery Conservation and

Management Act (Magnuson-Stevens Act).

**DATES:** Effective 0001 hrs local time, February 9, 2006, through April 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mark Grant, Fishery Management Specialist, (978) 281-9145, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the yellowtail flounder landing limit within the Western and Eastern U.S./Canada Areas are found at 50 CFR 648.85(a)(3)(iv)(C). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area, as defined at § 648.85(a)(1), under specific conditions. The TAC for GB yellowtail flounder for the 2005 fishing year is 4,260 mt. When 70 percent (2,982 mt) of the GB yellowtail flounder TAC is projected to be harvested, the regulations at § 648.85(a)(3)(iv)(C)(2) require the Regional Administrator to implement and/or adjust the yellowtail flounder landing limit for NE multispecies vessels fishing in both the Western and Eastern U.S./Canada Areas to 1,500 lb (680.4 kg) per day, and 15,000 lb (6,804.1 kg) per trip.

When approximately 59 percent of the GB yellowtail flounder TAC was harvested, NMFS implemented a yellowtail flounder landing limit of 15,000 lb (6,804.1 kg) per trip to slow the rate of catch for this stock (December 22, 2005; 70 FR 75965). Based upon Vessel Monitoring System (VMS) reports and other available information, the Regional Administrator has determined that 70 percent (2,982 mt) of the GB yellowtail flounder TAC of 4,260 mt will be harvested by February 8, 2006. Based on this information, the Regional Administrator is reducing the GB yellowtail trip limit from 15,000 lb (6,804.1 kg) per trip to 1,500 lb (680.4 kg) per day, up to a maximum of 15,000 lb (6,804.1 kg) per trip, for NE multispecies DAS vessels fishing in both the Western and Eastern U.S./Canada Areas trip, effective February 8, 2006, through April 30, 2006. Vessels that have already declared their intent to fish in the Western U.S./Canada Area through VMS, departed on a trip, and crossed the demarcation line as of 0001 hours on February 8, 2006, may possess and land up to 15,000 lb (6,804.1 kg) of GB yellowtail flounder, regardless of the length of their trip.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment for this action, because notice and comment would be impracticable and contrary to the public interest. The regulations at § 648.85(a)(3)(iv)(C)(2) require the Regional Administrator to implement and/or adjust the yellowtail flounder landing limit for NE multispecies vessels fishing in both the Western and Eastern U.S./Canada Areas to 1,500 lb (680.4 kg) per day, and 15,000 lb (6,804.1 kg) per trip when 70 percent (2,982 mt) of the GB yellowtail flounder TAC is projected to be harvested. Based upon VMS reports and other available information, the Regional Administrator has determined that 70 percent (2,980 mt) of the GB yellowtail flounder TAC of 4,260 mt will be harvested by February 8, 2006. Therefore, this action is non-discretionary. In addition, there exists insufficient time to allow for public notice and comment before 70 percent of the TAC will be harvested.

Given the rapidly increasing harvest rate and the reduced GB yellowtail flounder TAC specified for 2005, the time necessary to provide for prior notice and opportunity for public comment would prevent the agency from ensuring that the 2005 TAC for GB yellowtail flounder is not exceeded during the 2005 fishing year. It was not possible to take this action earlier to provide more time for public comment because of how quickly the GB yellowtail flounder was harvested, the rapidly increasing harvest rate, the reduced GB yellowtail flounder TAC, and the ability of NMFS to monitor the harvest (the projection that 70 percent of the GB yellowtail TAC would be harvested by February 8, 2006, was not available until February 3, 2006).

Exceeding the 2005 TAC for GB yellowtail flounder would increase mortality of this overfished stock beyond that evaluated during the development of Amendment 13, potentially undermining the rebuilding efforts for this stock. Moreover, should the GB yellowtail flounder TAC be exceeded, any overages would be deducted from the 2006 GB yellowtail flounder TAC. This would result in decreased revenue for the NE multispecies fishery, increased economic impacts to vessels operating in the Western and Eastern U.S./Canada Areas, reduced opportunities to fully harvest the GB haddock and GB cod

TAC's in the Eastern U.S./Canada Area (i.e., through the increased possibility of premature closure of the Eastern U.S./Canada Area during the 2006 fishing year due to fully harvesting a reduced GB yellowtail flounder TAC in 2006), a reduced chance of achieving optimum yield in the groundfish fishery, and unnecessary delays to the rebuilding of this overfished stock.

For similar reasons there is good cause, pursuant to 5 U.S.C. 553(d)(3), to waive the entire 30-day delayed effectiveness period for this action. For the reasons specified above, a delay in the effectiveness of the trip limit modification in this rule would prevent the agency from meeting its management obligation and ensuring that the 2005 catch TAC for GB yellowtail flounder specified for the Western and Eastern U.S./Canada Areas would not be exceeded during the 2005 fishing year. Any such delay could lead to the impacts to the fishing industry described above.

The rate of harvest of the GB yellowtail flounder TAC in the Western and Eastern U.S./Canada Areas is updated weekly on the internet at <http://www.nero.noaa.gov>. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action to prevent the TAC for GB yellowtail flounder from being exceeded during the 2005 fishing year. Further, the potential for this action was considered and open to public comment during the development of Amendment 13. Therefore, any negative effect the waiving of public comment and delayed effectiveness may have on the public is mitigated by these factors.

**Authority:** 16 U.S.C. 1801 *et seq.*

**Dated:** February 6, 2006.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 06-1246 Filed 2-7-06; 1:34 pm]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 041126332-5039-02; I.D. 020606A]

**Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of Community Development Quota (CDQ) pollock from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to allow the 2006 total allowable catch (TAC) of pollock in the Aleutian Islands subarea to be harvested in the Bering Sea subarea.

**DATES:** Effective February 10, 2006, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the 2006 A season allowance of CDQ pollock is 760 mt as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005), for the period 1200 hrs, A.l.t., January 1, 2006, through 1200 hrs, A.l.t., June 10, 2006.

As of January 26, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 760 mt of A season CDQ pollock will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 760 mt of CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea A season allocation.

Furthermore, the Regional Administrator has determined through

consultation with the CDQ groups that 1,140 mt of the B season CDQ pollock allocations in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 1,140 mt of CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea B season allocation. Table 3 has been revised to reflect this reallocation.

The harvest specifications for pollock in the Aleutian Islands and Bering Sea subarea included in the harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005) are revised as follows: 0 mt to the A season allowance of CDQ pollock in the Aleutian Islands subarea, 0 mt to the B season allowance of CDQ pollock in the Aleutian Islands subarea, 60,270 mt to the A season allowance of CDQ pollock in the Bering Sea subarea, and 90,406 mt to the B season allowance of CDQ pollock in the Bering Sea subarea.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Aleutian Islands subarea pollock to the Bering Sea subarea A season. At the end of January 2006, NMFS was notified by the CDQ groups that the pollock allocations in the Aleutian Islands subarea will not be harvested. Since the A season is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea A season allocations. Immediate notification is necessary in order to allow for the orderly conduct and efficient operation of this fishery thereby allowing the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 6, 2006.

**Alan D. Risenhoover,**  
Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.

[FR Doc. 06-1250 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 020606B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; opening.

**SUMMARY:** NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program. The season will open 1200 hrs, Alaska local time (A.l.t.), March 5, 2006, and will close 1200 hrs, A.l.t., November 15, 2006. This period is the same as the 2006 IFQ and Community Development Quota season for Pacific halibut adopted by the International Pacific Halibut Commission (IPHC). The IFQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

**DATES:** Effective 1200 hrs, A.l.t., March 5, 2006, until 1200 hrs, A.l.t., November 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale

supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hrs, A.l.t., March 5, 2006, and will close 1200 hrs, A.l.t., November 15, 2006. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.23 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*



Dated: February 6, 2006.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.*

[FR Doc. 06-1249 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-22-S

## Proposed Rules

Federal Register

Vol. 71, No. 28

Friday, February 10, 2006

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R04-OAR-2004-KY-0004-200603; FRL-8031-2]

#### Approval and Promulgation of Implementation Plans; Kentucky Prevention of Significant Deterioration and Nonattainment New Source Review

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Kentucky State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky on September 2, 2004. The proposed revisions modify Kentucky's Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations in the SIP to address changes to the federal NSR regulations, which were promulgated by EPA on December 31, 2002 (67 FR 80186) and reconsidered with minor changes on November 7, 2003 (68 FR 63021) (collectively, these two final actions are called the "2002 NSR Reform Rules"). Together, the PSD and NNSR programs are commonly referred to as the "NSR programs." EPA's 2002 NSR Reform Rules, proposed for inclusion in the Kentucky SIP, include provisions for baseline emissions calculations, an actual-to-projected-actual methodology for calculating emissions changes, options for plantwide applicability limits, recordkeeping and reporting requirements, and a significance threshold for ozone depleting substances.

**DATES:** Comments must be received on or before March 13, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2004-KY-0004, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. E-mail: [fortin.kelly@epa.gov](mailto:fortin.kelly@epa.gov).

3. Fax: 404-562-9019.

4. Mail: (Docket ID No. EPA-R04-OAR-2004-KY-004), Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

5. Hand Delivery: Deliver your comments to: Ms. Kelly Fortin, Air Planning Branch, Air, Pesticides and Toxics Management Division, 12th floor, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA-R04-OAR-2004-KY-0004. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official business hours are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the Kentucky State Implementation Plan, contact Mr. Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Telephone number: (404) 562-9043; e-mail address: [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov). For information regarding New Source Review, contact Ms. Kelly Fortin, Air Permits Section, at the same address above. Telephone number: (404) 562-9117; e-mail address: [fortin.kelly@epa.gov](mailto:fortin.kelly@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, references to "EPA," "we," "us," or "our," are intended to mean the Environmental Protection Agency. The supplementary information is arranged as follows:

- I. What Action Is EPA Proposing to Take?
- II. What is the Background for this Action?
- III. What is EPA's Analysis of Kentucky's NSR Rule Revisions?
  - a. Definitions for Chapter 51; 401 KAR 51:001

- B. Prevention of Significant Deterioration of Air Quality; 401 KAR 51:017
- C. Review of New Sources in or Impacting Upon Nonattainment Areas; 401 KAR 51:052
- IV. What Action is EPA Taking Today?
- V. Statutory and Executive Order Reviews.

### I. What Action Is EPA Proposing To Take?

On September 2, 2004, the Commonwealth of Kentucky, through the Kentucky Department of Environmental Protection (KDEP), submitted revisions to the Kentucky State Implementation Plan (SIP). The submittal consists of revisions to three regulations that are already part of the Kentucky SIP. The affected regulations are: 401 Kentucky Administrative Regulations (KAR) 51:001, "Definitions for 401 KAR Chapter 51;" 401 KAR 51:017, "Prevention of Significant Deterioration of Air Quality;" and 401 KAR 51:052, "Review of New Sources in or Impacting upon Nonattainment Areas." The revisions were made to update the Kentucky NSR programs to make them consistent with changes to the Federal NSR regulations published on December 31, 2002 (67 FR 80186) and November 7, 2003 (68 FR 63021). These two EPA rulemakings are commonly referred to as the "2002 NSR Reform Rules."

In a letter to EPA dated August 23, 2005, Kentucky requested to amend the September 2, 2004, SIP submittal in light of the decision issued by the U.S. Circuit Court of Appeals for the District of Columbia (DC Circuit Court) on June 24, 2005. The June 24, 2005, decision is discussed in further detail below. Kentucky requested that the portion of the Kentucky SIP revision related to the EPA rules that were vacated by the DC Circuit Court not be approved into the SIP, namely Sections 20, 21, and 22 of 401 KAR 51:017, Sections 11, 12, and 13 of 401 KAR 51:052, and definitions (38) and (188) in Section 1 of 401 KAR 51:001. EPA is therefore now proposing to approve the SIP submitted by KDEP on September 2, 2004, as amended on August 23, 2005.

### II. What Is the Background for This Action?

On December 31, 2002, EPA published final rule changes to 40 Code of Federal Regulations (CFR) parts 51 and 52, regarding the Clean Air Act's PSD and Nonattainment New Source Review (NNSR) programs. 67 FR 80186. On November 7, 2003, EPA published a notice of final action on the reconsideration of the December 31, 2002 final rule changes. 68 FR 63021. In that November 7th final action, EPA added the definition of "replacement

unit," and clarified an issue regarding plantwide applicability limitations (PALs). The December 31, 2002 and the November 7, 2003, final actions, are collectively referred to as the "2002 NSR Reform Rules." The purpose of today's action is to propose approval of the SIP submittal from the Commonwealth of Kentucky, which includes EPA's 2002 NSR Reform Rules.

The 2002 NSR Reform Rules are part of EPA's implementation of Parts C and D of title I of the Clean Air Act (CAA or Act), 42 U.S.C. 7470-7515. Part C of title I of the CAA, 42 U.S.C. 7470-7492, is the PSD program, which applies in areas that meet the National Ambient Air Quality Standards (NAAQS)—"attainment" areas—as well as in areas for which there is insufficient information to determine whether the area meets the NAAQS—"unclassifiable" areas. Part D of title I of the CAA, 42 U.S.C. 7501-7515, is the NNSR program, which applies in areas that are not in attainment of the NAAQS—"nonattainment areas." Collectively, the PSD and NNSR programs are referred to as the "New Source Review" or NSR programs. EPA regulations implementing these programs are contained in 40 CFR 51.165, 51.166, 52.21, 52.24, and part 51, appendix S.

The CAA's NSR programs are preconstruction review and permitting programs applicable to new and modified stationary sources of air pollutants regulated under the CAA. The NSR programs of the CAA include a combination of air quality planning and air pollution control technology program requirements. Briefly, section 109 of the CAA, 42 U.S.C. 7409, requires EPA to promulgate primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Once EPA sets those standards, states must develop, adopt, and submit to EPA for approval, a State Implementation Plan (SIP) that contains emissions limitations and other control measures to attain and maintain the NAAQS. Each SIP is required to contain a preconstruction review program for the construction and modification of any stationary source of air pollution to assure that the NAAQS are achieved and maintained; to protect areas of clean air; to protect air quality related values (such as visibility) in national parks and other areas; to assure that appropriate emissions controls are applied; to maximize opportunities for economic development consistent with the preservation of clean air resources; and to ensure that any decision to increase air pollution is made only after full public consideration of the consequences of the decision.

The 2002 NSR Reform Rules made changes to five areas of the NSR programs. In summary, the 2002 Rules: (1) Provide a new method for determining baseline actual emissions; (2) adopt an actual-to-projected-actual methodology for determining whether a major modification has occurred; (3) allow major stationary sources to comply with plant-wide applicability limits to avoid having a significant emissions increase that triggers the requirements of the major NSR program; (4) provide a new applicability provision for emissions units that are designated clean units; and (5) exclude pollution control projects (PCPs) from the definition of "physical change or change in the method of operation." On November 7, 2003, EPA published a notice of final action on its reconsideration of the 2002 NSR Reform Rules (68 FR 63021), which added a definition for "replacement unit" and clarified an issue regarding PALs. For additional information on the 2002 NSR Reform Rules, see 67 FR 80186 (December 31, 2002), and <http://www.epa.gov/nsr>.

After the 2002 NSR Reform Rules were finalized and effective (March 3, 2003), various petitioners challenged numerous aspects of the 2002 NSR Reform Rules, along with portions of EPA's 1980 NSR Rules (45 FR 5276, August 7, 1980). On June 24, 2005, the DC Circuit Court issued a decision on the challenges to the 2002 NSR Reform Rules. *New York v. United States*, 413 F.3d 3 (DC Cir. 2005). In summary, the DC Circuit Court vacated portions of the Rules pertaining to clean units and pollution control projects, remanded a portion of the Rules regarding recordkeeping, e.g., 40 CFR 52.21(r)(6) and 40 CFR 51.166(r)(6), and either upheld or did not comment on the other provisions included as part of the 2002 NSR Reform Rules. EPA has not yet responded to the Court's remand regarding the recordkeeping provisions. Today's action is consistent with the decision of the DC Circuit Court because Kentucky's submittal does not include any portions of the 2002 NSR Reform Rules that were vacated as part of the June 2005, decision.

The 2002 NSR Reform Rules require that state agencies adopt and submit revisions to their SIP permitting programs implementing the minimum program elements of the 2002 NSR Reform Rules no later than January 2, 2006. (Consistent with changes to 40 CFR 51.166(a)(6)(i), state agencies are now required to adopt and submit SIP revisions within three years after new amendments are published in the **Federal Register**.) State agencies may

meet the requirements of 40 CFR part 51, and the 2002 NSR Reform Rules, with different but equivalent regulations. However, if a state decides not to implement any of the new applicability provisions, that state is required to demonstrate that its existing program is at least as stringent as the federal program.

On September 2, 2004, the Commonwealth of Kentucky submitted a SIP revision for the purpose of revising the Commonwealth's NSR permitting provisions. These changes were made primarily to adopt EPA's 2002 NSR Reform Rules. As discussed in further detail below, EPA believes the revisions contained in the Kentucky submittal are approvable for inclusion into the Kentucky SIP.

### III. What Is EPA's Analysis of Kentucky's NSR Rule Revisions?

Kentucky currently has an approved NSR program for new and modified sources. Today, EPA is proposing to approve revisions to Kentucky's existing NSR program in the SIP. These proposed revisions became state-effective on July 14, 2004, and were submitted to EPA on September 2, 2004. Copies of the revised rules, as well as the State's Technical Support Document (TSD), can be obtained from the Docket, as discussed in the "Docket" section above. A discussion of the specific changes to Kentucky's rule, proposed for inclusion in the SIP, follows.

#### A. Definitions for 401 KAR Chapter 51; 401 KAR 51:001

Regulation 401 KAR 51:001 defines the terms used in Chapter 51 of the Kentucky Administrative Regulations. The amendments to section 51:001 provide the definitions of terms used in 401 KAR 51:017 and 401 KAR 51:052, which were changed to include the 2002 NSR Reform Rules, as discussed above. Specifically, the revisions include new or revised definitions for terms such as "actual emissions," "actual PALs," "allowable emissions," "baseline actual emissions," and "major modification." The Kentucky definitions correspond with the federal definitions. Furthermore, the introductory paragraph of Chapter 51:001 states that the definitions "are not more stringent or otherwise different than the corresponding federal definitions."

Kentucky's revisions to Chapter 51:017 contain a minor provision that is different from the existing federal rule found in 40 CFR 51.166(b)(23), which defines significance levels for various pollutants. Kentucky's definition of "significance" (definition 221), includes a significance threshold for ozone

depleting substances (ODS) of 100 tons per year (tpy). This definition, as applied by 401 KAR 51:017, has the effect of requiring that facilities with emissions or net emissions increases greater than or equal to 100 tpy of ODS obtain a major source permit. The current Federal rule (51.166(b)(23)(ii)) does not contain a specific threshold for ODS. In 1996, however, EPA proposed a 100 tpy threshold for ODS. See 61 FR 38250, July 23, 1996. Based on the rationale provided in the 1996 proposal, EPA believes that it is reasonable for Kentucky to adopt this threshold. If EPA issues a final rule that establishes a threshold for ODS that is different from the one proposed in 1996, Kentucky will have the obligation to amend its rule. Additional information regarding significance threshold levels for ODS can be found in the Docket for this action. General information about ODS is available on the EPA Web site at: <http://www.epa.gov/ozone/index.html>.

EPA performed a line by line review of the Kentucky definitions and found them to be consistent with the 2002 NSR Reform Rules and other federal requirements set forth in 40 CFR 51 subpart I. Per Kentucky's request, as discussed above, EPA is not proposing to approve the definition of "clean unit" or the definition of "pollution control project" into the Kentucky SIP.

#### B. Prevention of Significant Deterioration of Air Quality; 401 KAR 51:017

Kentucky regulation 401 KAR 51:017 contains the preconstruction review program that provides for the prevention of significant deterioration of ambient air quality as required under Part C of title I of the Clean Air Act. The program applies to major stationary sources or modifications constructing in areas that are designated as attainment or unclassifiable with respect to the NAAQS. Kentucky's PSD program was originally approved into the SIP by EPA on November 6, 1989, and has been revised several times.

The current revisions to 401 KAR 51:017, which EPA is proposing to approve into the SIP, were provided to update the existing provisions to be consistent with the current Federal PSD rules, including the 2002 NSR Reform Rules. These revisions address baseline actual emissions, actual-to-projected actual applicability tests, and PALs. Definitions previously contained in this section were moved to 401 KAR 51:001, "Definitions for 401 KAR Chapter 51." 401 KAR 51:017 does not incorporate the portions of the Federal rules that were recently vacated by the DC Circuit Court, including the clean unit

provisions, the pollution control projects exclusion, and equipment replacement provision which was promulgated shortly after the 2002 NSR Reform Rules. As noted earlier, EPA has not yet responded to the DC Circuit Court's remand of the recordkeeping provisions of EPA's 2002 NSR Reform Rules. Kentucky's rule contains recordkeeping requirements that are substantially the same as the remanded Federal rule. While final action by EPA with regard to the remand may require EPA to take further action on this portion of Kentucky's rules, at this time, the rules are the same as existing Federal law.

The requirements included in Kentucky's PSD program are substantively the same as the corresponding federal provisions. The Kentucky rules have been formatted to conform to Kentucky rule drafting standards (Kentucky Revised Standards Chapter 13A), but in substantive content the rules are the same as the Federal rules. As part of its review of the Kentucky SIP submittal, EPA performed a line-by-line review of the proposed revisions and has determined that they are consistent with the program requirements for the preparation, adoption and submittal of implementation plans for the Prevention of Significant Deterioration of Air Quality, set forth at 40 CFR 51.166.

#### C. Review of New Resources in or Impacting Upon Nonattainment Areas; 401 KAR 51:052

Kentucky's permitting requirements for major sources in or impacting upon non-attainment areas are set forth at 401 KAR 51:052 (NNSR program). The Kentucky NNSR program was originally approved into the Kentucky SIP on January 25, 1980 (with subsequent amendments) and applies to the construction and modification of any major stationary source of air pollution in a nonattainment area, as required by Part D of title I of the CAA. To receive approval to construct, a source that is subject to this regulation must show that it will not cause a net increase in pollution, will not create a delay in meeting the NAAQS, and that the source will install and use control technology that achieves the lowest achievable emissions rate.

The revisions to this regulation, which EPA is proposing to approve into the SIP, update the existing provisions to be consistent with the current Federal nonattainment rule, including the 2002 NSR Reform Rules. These revisions address baseline actual emissions, actual-to-projected-actual applicability tests, and PALs. Definitions previously

contained in this section were moved to 401 KAR 51:001, "Definitions for 401 KAR Chapter 51." The rule does not incorporate the portions of the Federal rules that were recently vacated by the DC Circuit Court, including the clean unit provisions, the pollution control projects exclusion, and the equipment replacement provision, which was promulgated shortly after the 2002 NSR Reform Rules.

The revisions included in Kentucky's NNSR program are substantively the same as the 2002 NSR Reform Rules. The Kentucky Rules have been formatted to conform to Kentucky rule drafting standards (KRS Chapter 13A), but in substantive content the rules are the same as the Federal rules. As part of its review of the Kentucky submittal, EPA performed a line-by-line review of the proposed revisions and has determined that they are consistent with the program requirements for the preparation, adoption and submittal of implementation plans for New Source Review, set forth at 40 CFR 51.165.

#### IV. What Action Is EPA Proposing To Take?

EPA is proposing to approve revisions to the Kentucky SIP (Kentucky regulations, 401 KAR 51:01, 401 KAR 51:017, and 401 KAR 51:052) submitted by the Commonwealth of Kentucky on September 2, 2004, and amended on August 23, 2005. EPA proposed to take no action on the following provisions of the Kentucky regulations, which include portions of the 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court: Sections 20, 21, and 22 of 401 KAR 51:017, Sections 11, 12, and 13 of 401 KAR 51:052, and definitions (38) and (188) in Section 1 of 401 KAR 51:001.

#### VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5

U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 3, 2006.

J.I. Palmer Jr.,

Regional Administrator, Region 4.

[FR Doc. 06-1318 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 413

[CMS-1126-RCN]

RIN 0938-AK02

#### Medicare Program; Provider Bad Debt Payment; Extension of Timeline for Publication of Final Rule

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Extension of timeline.

**SUMMARY:** Section 1871(a)(3)(A) of the Social Security Act (the Act) requires us to publish a Medicare final rule no later than 3 years after the publication date of the proposed rule. This notice announces an extension of the timeline for publication of a Medicare final rule in accordance with section 1871(a)(3)(B) of the Act, which allows us to extend the timeline for publication of the "Medicare Program; Provider Bad Debt Payment" final rule under exceptional circumstances.

**DATES:** *Effective Date:* This notice is effective on February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jill Keplinger, (410) 786-4550.

**SUPPLEMENTARY INFORMATION:** On February 10, 2003 (68 FR 6682), we published a proposed rule that would revise existing regulations governing reimbursement for bad debts for all providers or entities, other than hospitals, currently eligible for bad debt reimbursement under the Medicare program. These proposed revisions were intended to provide for a consistent bad debt reimbursement policy for all providers currently eligible to receive payments from Medicare for bad debt. The proposed revisions also would remove a cap on End Stage Renal Disease (ESRD) bad debt reimbursement, which limits payment of allowable bad debts to the facility's unrecovered costs. In addition, the

proposed rule would clarify that bad debts are not allowable for entities paid under a reasonable-charge or fee schedule methodology.

This notice announces an extension of the timeline for publication of a final rule responding to comments on the above proposed rule. Section 1871(a)(3)(B) of the Social Security Act (the Act) requires us generally to publish a Medicare final rule no later than 3 years after the publication date of the proposed rule. To meet this 3-year timeframe, the final rule at issue here would have to be published by February 10, 2006.

Section 1871(a)(3)(B) also provides, however, that under "exceptional circumstances" the Secretary may extend the initial targeted publication date of a final regulation, if the Secretary provides public notice of this extension, including a brief explanation of the justification for the variation, no later than the regulation's previously established proposed publication date.

This notice extends the timeline based on the following exceptional circumstances, which we believe justify such an extension in this case. On February 1, 2006, the Congress completed action on final legislation (S. 1932) that affects the provisions that would be modified under the proposed rule at issue here. Section 5004 of this bill, also known as the Deficit Reduction Act (DRA), generally provides for a 30 percent reduction in bad debt reimbursement to Skilled Nursing Facilities (SNFs), but only with respect to debt attributable to non-dual eligibles. Bad debt payment for dual eligibles would remain at 100 percent. By contrast, the proposed rule applied the 30 percent reduction to all providers other than hospitals, and had no exception for debt attributable to dual-eligibles.

If we were to finalize the SNF bad debt provisions of the proposed rule at issue here before the enactment of section 5004 of the DRA, these provisions could be superseded by contrary legislation very shortly after publication. This would require a new round of rulemaking to address the impact of the new legislation. By extending the deadline for publication of a final rule, we would hope to avoid needless and duplicative rulemaking, and confusion of the public, by responding to comments on this proposed rule, and addressing the effects of section 5004 of the DRA on the proposed rule, in one rulemaking document.

In order to allow time for the President to act on the DRA, and for us to fully assess the impact of this

legislation on the provisions in the proposed rule, we are extending the timeline for this rulemaking for up to one year, and intend to publish the final rule no later than February 10, 2007. As required under section 1871(a)(3)(D), we will include a discussion of this extension in a report to Congress.

**Authority:** Section 1871 of the Social Security Act (42 U.S.C. 1395hh). (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 3, 2006.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. E6-1821 Filed 2-9-06; 8:45 am]

**BILLING CODE 4120-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[WT Docket No. 05-211; FCC 06-8]

#### Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this *Further Notice of Proposed Rule Making* the Commission considers whether it should modify its general competitive bidding rules governing benefits reserved for designated entities (i.e., small businesses, rural telephone companies and businesses owned by women and minorities). The Commission has reached a tentative conclusion that it should modify its part 1 rules to restrict the award of designated entity benefits to an otherwise qualified designated entity where it has a material relationship with a large in-region incumbent wireless service provider," and the Commission seeks comment on how it should define the elements of such a restriction. The Commission also seeks comment on whether it should restrict the award of designated entity benefits where an otherwise qualified designated entity has a "material relationship" with a large entity that has a significant interest in communications services.

**DATES:** Comments due February 24, 2006 and Reply Comments due March 3, 2006. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and

other interested parties on or before April 11, 2006.

**ADDRESSES:** You may submit comments, identified by WT Docket No. 05-211; FCC 06-8 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [PR@fcc.gov](mailto:PR@fcc.gov), and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, NW., Washington, DC 20503, via the Internet to [Kristy L. LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov), or via fax at 202-395-5167.

For detailed instructions for submitting comments and additional information on the rule making process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Brian Carter or Gary Michaels, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, (202) 418-0660. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Judith B. Herman at 202-418-0214, or via the Internet at [PR@fcc.gov](mailto:PR@fcc.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. *All filings related to this Further Notice of Proposed Rule Making should refer to WT Docket No. 05-211.* Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998). The public may view a full copy of this document at

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-06-8A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-8A1.doc).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.

Filers should follow the instructions provided on the Web site for submitting comments. Filers should follow the instructions provided on the Web site for submitting comments.

- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington DC 20554.

- **People with Disabilities:** Contact the FCC to request materials in accessible formats (Braille, large print, electronic files, audio format, etc.) by e-mail at [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0531 (voice), (202) 418-7365 (TTY).

#### Initial Paperwork Reduction Act of 1995 Analysis

This document contains proposed new or modified information collection

requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget ("OMB") to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due April 11, 2006. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

*OMB Control Number:* 3060-0600.

*Title:* Application to Participate in an Auction.

*Form No.:* FCC Form 175.

*Type of Review:* Revision of currently approved collection.

*Respondents:* Business or other for-profit, not-for-profit institutions and/or state, local or tribal governments.

*Estimated Number of Respondents:* 560 (60 respondents for this FNPRM; 500 respondents in a previously approved submission to OMB).

*Estimated Time Per Response:* .166 hours-1.5 hours.

*Frequency of Response:* On occasion reporting requirement.

*Estimated Total Annual Burden:* 760 hours (10 hours for this FNPRM submission and 750 hours for the previous submission approved by OMB).

*Estimated Total Annual Costs:* N/A.

*Privacy Act Impact Assessment:* N/A.

*Needs and Uses:* Respondents would be required to amend their short form applications on or after the effective date of the rule changes with a statement declaring, under penalty of perjury, that the applicant is qualified as a designated entity pursuant to § 1.2110 of the Commission's rules effective as of the date of the statement. The information collected will be used by the Commission to determine if the applicant is legally, technically, and

financially qualified to participate in an FCC auction and eligible for the status requested. The Commission's auction rules and requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants; to deter possible abuse of the bidding and licensing process; and to enhance the use of competitive bidding to assign Commission licenses in furtherance of the public interest.

#### I. Introduction

1. With this *Further Notice of Proposed Rule Making* ("FNPRM"), WT Docket No. 05-211, FCC 06-8, released February 3, 2006, the Commission considers whether it should modify its general competitive bidding rules ("part 1" rules) governing benefits reserved for designated entities (i.e., small businesses, rural telephone companies, and businesses owned by women and minorities). See 47 CFR 1.2110. Specifically, the Commission seeks comment on the elements of a proposal raised by Council Tree Communications, Inc. ("Council Tree") that seeks to prohibit the award of bidding credits or other small business benefits to entities that have what Council Tree refers to as a "material relationship" with a "large in-region incumbent wireless service provider." Council Tree maintains that such a prohibition should apply to "otherwise qualified designated entities." In examining this proposal, the Commission reaches a tentative conclusion that it should modify its part 1 rules to restrict the award of designated entity benefits to an otherwise qualified designated entity where it has a "material relationship" with a "large in-region incumbent wireless service provider," and the Commission seeks comment on how it should define the elements of such a restriction. Moreover, as discussed further below, the Commission seeks comment on whether it should restrict the award of designated entity benefits where an otherwise qualified designated entity has a "material relationship" with a large entity that has a significant interest in communications services. The Commission intends to complete this proceeding in time so that any modifications to its rules resulting from this proceeding will apply to the upcoming auction of licenses for Advanced Wireless Services ("AWS"), which currently is scheduled to begin June 29, 2006. In light of its upcoming auction schedule, the Commission seeks comment on a proposal to require designated entity auction applicants to certify their qualifications subject to the changed rules by amending any auction

applications that are pending on the effective date of any rule changes adopted in this proceeding.

## II. Background

2. In the Commission's *Declaratory Ruling and Notice of Proposed Rulemaking*, 70 FR 43322 (July 27, 2005), 70 FR 43376 (July 27, 2005) to implement rules and procedures needed to comply with the Commercial Spectrum Enhancement Act ("CSEA"), the Commission proposed a number of changes to its part 1 competitive bidding rules that were necessary, apart from CSEA, to bring them in line with the current requirements of its auctions program. With this *FNPRM*, the Commission considers further updates to its part 1 competitive bidding rules and procedures.

3. The questions and tentative conclusion the Commission poses here arise out of a proposal made by Council Tree in an *ex parte* filing that in part supplemented its petition for reconsideration of the Commission's order establishing service rules for Advanced Wireless Services ("AWS") in the 1710-1755 and 2110-2155 MHz bands. In the *AWS-1 Service Rules Order*, 69 FR 5711, February 6, 2004, the Commission adopted rules designed to ensure that designated entities are given the opportunity to participate in an auction of AWS spectrum. By establishing a range of geographic licensing areas including relatively small areas, such as Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs), and a range of spectrum block sizes, the Commission believed that it would encourage participation by smaller and rural entities. Accordingly, it concluded that adopting set-asides or eligibility restrictions would not be necessary. The Commission also adopted two small business size standards and associated bidding credits for small businesses, concluding that small business size standards and bidding credit levels that matched those offered in auctions of broadband Personal Communications Service (PCS) licenses were appropriate because broadband PCS presented service opportunities, capital requirements, and entry issues comparable to those presented by AWS.

4. Council Tree's petition for reconsideration of the *AWS-1 Service Rules Order*, urged the Commission to reconsider its position with respect to set-asides for designated entities or, in the alternative, to add a third small business size standard and offer qualifying entities a 35 percent bidding credit. Council Tree's *ex parte* filing sought to supplement its petition for

reconsideration and proposed, among other things, that the Commission prohibit the award of bidding credits or other small business benefits to entities that would "otherwise qualify" for eligibility but have what it refers to as a "material relationship" with a "large in-region incumbent wireless service provider." Council Tree's proposal also suggested standards by which it sought to define both "material relationship" and "large in-region incumbent wireless service provider."

5. In its *Order on Reconsideration*, 70 FR 58061, October 5, 2005, the Commission rejected Council Tree's Petition and the *ex parte* proposals it made in the AWS proceeding. The Commission concluded, however, that Council Tree's suggestion to restrict the award of bidding credits or other small business benefits where an entity "otherwise qualified" for eligibility but has a "material relationship" with a "large in-region incumbent wireless service provider" warranted further study. It is this conclusion that forms the basis for this *FNPRM* today. In examining our current rules, the Commission tentatively concludes that it should modify its requirements regarding designated entity eligibility to restrict the award of designated entity benefits to an otherwise qualified designated entity where it has a "material relationship" with a "large in-region incumbent wireless service provider." As noted below, the Commission seeks comment on the specific elements of Council Tree's proposal. Additionally, the Commission seeks comment on whether it should restrict the availability of designated entity benefits where an otherwise qualified designated entity has a "material relationship" with a large entity that has a significant interest in the provision of communication services, e.g., voice or data providers, content providers, equipment manufacturers, other media interests, and/or facilities or non-facilities based communications services providers (hereinafter collectively referred to as "entity(ies) with significant interests in communications services").

## III. Discussion

6. Since the inception of the auctions program, the Commission has sought to facilitate the participation of small businesses in the competitive bidding process. In the *Competitive Bidding Second Report and Order*, 59 FR 22980, May 4, 1994, the Commission established various incentives, such as bidding credits and spectrum set-asides, to encourage designated entities to participate in future auctions and in the

provision of service. The Commission also has made substantial efforts to ensure that only legitimate small businesses reap the benefits of the Commission's designated entity program. Over the last decade, the Commission has engaged in numerous rulemakings and adjudicatory investigations to prevent companies from circumventing the objectives of the designated entity eligibility rules.

7. The Commission intends its small business provisions to be available only to bona fide small businesses. In this *FNPRM*, the Commission tentatively concludes that modifications to its designated entity rules are warranted. In determining whether additional safeguards are necessary to ensure that bidding credits and other benefits are awarded to the appropriate entities, the Commission recognizes that it must strike a delicate balance between encouraging the participation of small businesses in the provision of spectrum based services, and ensuring that those small businesses who do participate in competitive bidding have sufficient capital and flexibility to structure their businesses to be able to compete at auction, fulfill their payment obligations, and ultimately provide service to the public.

8. In its *ex parte* filing, Council Tree proposes that the Commission prohibit the availability of bidding credits or other small business benefits where an "otherwise qualified" entity seeking such eligibility has what Council Tree refers to as a "material relationship" with a "large, in-region, incumbent wireless service provider." Council Tree asserts that if the Commission does not limit the availability of bidding credits and other designated entity benefits in such instances, spectrum rights will be concentrated in the hands of large, incumbent wireless service providers. Council Tree states that "following the consummation of announced mergers, the top-5 wireless carriers today will control 89 percent of United States wireless service subscribers, up from just 50 percent in 1995." It further asserts that in Auction 58, the Commission's recent broadband PCS auction, the five largest wireless carriers won \$367 million of licenses, or 18 percent of the auction total. Council Tree maintains that "these same carriers also partnered with designated entities in Auction 58 to win an additional \$1.03 billion of licenses, representing another 51 percent of the auction total." Council Tree concludes that the large carriers structured their relationships with designated entities as a means to realize for themselves the benefits and



opportunities that the Commission had intended for small businesses.

9. CTIA—The Wireless Association (“CTIA”) opposes Council Tree’s *ex parte* asserting, among other things, that Council Tree’s proposed constraint on relationships between large wireless carriers and those seeking eligibility for small business and entrepreneur provisions is contrary to the Commission’s goal of providing legitimate small businesses maximum flexibility in attracting passive financing. CTIA further states that such a limitation on a small business’ ability to raise capital would undermine the Commission’s intention of promoting small business participation in the highly competitive telecommunications marketplace.

10. In its continued effort to preserve for small businesses and entrepreneurs the benefits reserved for designated entities, the Commission seeks comment generally on whether the Commission’s existing rules should be modified as suggested by our tentative conclusion and Council Tree’s proposal to address any concerns that our designated entity program may be subject to potential abuse from larger corporate entities. The Commission also seeks comment below on the particular elements of Council Tree’s proposal. Additionally, the Commission seeks comment on whether it should restrict the availability of designated entity benefits where an otherwise qualified designated entity has a “material relationship” with an “entity with significant interests in communications services.”

11. The Commission’s existing part 1 rules include generally applicable provisions regarding the attribution of gross revenues of an entity and its controlling interests and affiliates to determine whether that entity meets service-specific eligibility standards for designated entity benefits, such as bidding credits. Council Tree proposes that even where an entity qualifies for designated entity benefits under the Commission’s existing rules, such benefits should not be available to that entity if it has a “material relationship” with a “large, in-region, incumbent wireless provider.” The Commission tentatively concludes that it should modify its rules to restrict the award of designated entity benefits where such a relationship exists. The Commission seeks comment on Council Tree’s proposal for defining “material relationship” and on the two elements Council Tree proposes to use in defining a “large, in-region, incumbent wireless service provider”—the geographic overlap between the incumbent and the designated entity applicant, as well as

the incumbent’s wireless gross revenues. The Commission also seeks comment on the factual assertions upon which Council Tree’s proposals are based and the impact, if any, that the adoption of the proposed restriction would have on the ability of small businesses to provide spectrum-based services. In addition, the Commission seeks comment on whether it should extend any rule modifications it adopts to restrict the availability of designated entity benefits where an otherwise qualified designated entity has a “material relationship” with an “entity with significant interests in communications services.”

12. *Material Relationship.* As noted above, the Commission currently applies a gross revenues test as its general standard for measuring the size of an entity for the purposes of awarding small business benefits, in part because such a standard provides “an accurate, equitable, and easily ascertainable measure of business size.” Under this standard, the Commission attributes to an applicant the gross revenues of its “controlling interests” and its “affiliates” in assessing whether the applicant is qualified to take advantage of our small business provisions, such as bidding credits. A “controlling interest” includes individuals or entities, or groups of individuals or entities, that have control of the applicant under the principles of either *de jure* or *de facto* control and under a totality of the circumstances analysis. Council Tree suggests, however, that the Commission’s current rules do not adequately prevent large corporations from structuring relationships in a manner that allows them to gain access to benefits reserved for small businesses.

13. According to Council Tree, the Commission should determine that a “material relationship” exists if a “large, in-region, incumbent wireless service provider” has provided a material portion of the total capitalization of the applicant (*i.e.*, equity plus debt), or has any material operational arrangement with the applicant (such as management, joint marketing, trademark, or other arrangements) or other material financial arrangement relating to the overlap markets. In the event that there is such a “material relationship,” Council Tree advocates that designated entity benefits should be withheld even if the entity would otherwise qualify for designated entity eligibility under our existing rules. As noted above, the Commission tentatively concludes that a relationship between a “large, in-region incumbent wireless service provider” and an

otherwise qualified designated entity applicant should trigger a restriction on the availability of designated entity benefits. The Commission therefore seeks comment on the specific nature of the relationship that should trigger such a restriction. Additionally, the Commission seeks comment on whether other “material” relationships, such as those between an otherwise qualified designated entity and an “entity with significant interests in communications services,” should trigger a restriction on the award of designated entity benefits.

14. With respect to determining what may constitute a “material financial” or “material operational” relationship, the Commission also seeks comment on whether our existing “controlling interest standard” and affiliation rules appropriately measure and take into consideration the existence of those factors raised by Council Tree. For instance, Council Tree proposes that the material operational arrangements that should trigger any proposed restriction should include management, joint marketing, and trademark arrangements. Insofar as the Commission already attributes the gross revenues of those that have management or marketing agreements with an applicant where such agreements grant authority over key aspects of the applicant’s business, the Commission seeks comment on whether a different standard should be used where the relationship in question is with a “large, in-region incumbent wireless service provider” or with an “entity with significant interests in communications services.” If so, how should that standard differ from the factors that the Commission currently considers for determining indicia of control? If commenters believe that the Commission’s rules do not already address these types of arrangements, they should specify how it should define these arrangements.

15. The Commission also seeks comment on whether a prohibition based on certain relationships, such as the one proposed by Council Tree, would be too harsh or limit a designated entity’s ability to gain access to capital or industry expertise. The Commission seeks comment on whether there may be instances where the existence of either a “material financial agreement” or a “material operational agreement,” in and of itself, may be appropriate between a designated entity and a “large incumbent wireless service provider” or an “entity with significant interests in communications services,” and may not raise issues of undue control. Should the Commission allow designated entities to obtain a bidding credit if they have only a “material financial

agreement" or only a "material operational agreement" with a "large incumbent wireless service provider," or an "entity with significant interests in communications services," but not both? What factors should the Commission consider in determining whether either type of agreement may be permissible? Would this approach be sufficient to address any concerns that the Commission's designated entity program may be subject to potential abuse from larger corporate entities? Commenters should address the appropriate level of financial or operational participation of a "large incumbent wireless service provider" or an "entity with significant interests in communications services" that should trigger any proposed prohibition of the award of designated entity benefits to entities that are otherwise qualified. As a general matter, should the definition of "material relationship" differ if the Commission adopts its tentative conclusion or if the Commission expands the restriction to include relationships with "entities with significant interests in communications services?"

16. In its Secondary Markets proceeding, the Commission concluded that certain spectrum manager leases between a designated entity licensee and a non-designated entity lessee would cause the spectrum lessee to become an attributable affiliate of the licensee, thus rendering the licensee ineligible for designated entity benefits and making such a spectrum lease impermissible. The Commission seeks comment on what, if any, standard should be used to determine whether a spectrum leasing arrangement is a "material relationship" for the purpose of any additional restriction on the availability of designated entity benefits that it might adopt. The Commission also seeks comment on whether other arrangements should be taken into account. If so, what arrangements should it consider?

17. *Wireless Gross Revenues.* Council Tree suggests that "large, in-region, incumbent wireless providers" should be defined, in part, as those having what Council Tree refers to as "average gross wireless revenues" for the preceding three years exceeding \$5 billion. The Commission seeks comment on this proposed benchmark and whether it is a useful element for consideration if it adopts its tentative conclusion to modify the Commission's part 1 rules to include additional restrictions on the availability of designated entity benefits. Is \$5 billion an appropriate level at which to set the benchmark to define "large, in-region incumbent wireless

provider?" In contemplating this proposal, the Commission also seeks comment on whether it should evaluate the service provider's "gross wireless revenues" as suggested by Council Tree or instead if it should generally consider "gross revenues" as defined in § 1.2110(n) of the Commission's rules. Should the Commission consider an alternative benchmark? What would be the appropriate benchmark if it extends the restriction on designated entity benefits to designated entities that have material relationships with "entities with significant interests in communications services?" Commenters supporting an alternative benchmark should provide specific data to support any such alternative. What standard should the Commission use to attribute revenues, wireless or otherwise, to the incumbent wireless provider or to an "entity with significant interests in communications services", if any? Should the Commission use the same "controlling interest" standard and affiliation rules currently used to attribute to an applicant the gross revenues of its investors and affiliates in determining whether the applicant qualifies for small business benefits?

18. *Significant Geographic Overlap.* In addition to a gross revenues benchmark, Council Tree proposes that the Commission define a "large, in-region, incumbent wireless service provider" as an entity (including all parties under common control) that is, or has an attributable interest in, a CMRS or AWS licensee whose licensed service area has significant overlap in the geographic area to be licensed to the designated entity applicant. As a general matter, the Commission seeks comment on whether geographic overlap should be an element in establishing any additional restriction on the availability of designated entity benefits. Council Tree proposes that for purposes of determining significant geographic overlap in defining an in-region incumbent wireless service provider, the Commission should apply the standard set forth in § 20.6(c) of the Commission's rules. Although the CMRS spectrum aggregation limit sunset on January 1, 2003, § 20.6 defined significant overlap of geographic service areas for the purpose of that limit, and provides that significant overlap occurs when there is an overlap of at least 10 percent of the population within the impacted service areas. The further seeks comment on whether it should apply the standard set forth in § 20.6(c) of the Commission's rules as proposed by Council Tree. If so, what factors should the Commission consider in

applying this standard to all wireless services? Should it apply a different, or any, geographic standard if it extends the restriction on designated entity benefits to designated entities that have material relationships with "entities with significant interests in communications services?" If the Commission determines that a significant geographic overlap does exist, how should the Commission implement such a restriction? Should an incumbent be allowed to divest its interest in the subject service area to allow a designated entity applicant to maintain eligibility for a bidding credit? If so, within what time period should the Commission require the divestiture? The Commission seeks comment on whether the application of the standard set forth in § 20.6(c) of the Commission's rules or any other geographic overlap restriction would place an undue administrative burden on the Commission, making it difficult to monitor an applicant's compliance with any adopted geographic overlap restriction. Should the Commission consider adopting any other geographic overlap standards? In addressing these issues, commenters should state with specificity what factors the Commission should consider and what mechanisms it should adopt to ensure an applicant's continued compliance with any geographic overlap restriction.

19. *Entities with Significant Interests in Communications Services.* As noted above, the Commission seeks comment on whether we should prohibit the award of designated entity benefits where an otherwise qualified designated entity applicant has a "material relationship" with an "entity with significant interests in communications services." If the Commission extends the restriction in this manner, should the Commission define "entities with significant interests in communications services" to include a broad category of businesses such as voice or data providers, content providers, equipment manufacturers, other media interests, and/or facilities or non-facilities based communications services providers? The Commission seeks comment on whether all of these entities should be included as part of its definition of "entities with significant interests in communications services." Should the Commission consider excluding some of these entities from its proposed definition? If so, which entities should the Commission exclude and why? Are there additional entities that it should consider including as part of its proposed definition? If so, which entities should the Commission include,

and why? Moreover, the Commission seeks comment on how it should specifically define "significant interests in communications services?" Does the Commission's consideration of the category "communications services" provide additional safeguards to ensure the award of its designated entity benefits only to legitimate small businesses or does it create too many obstacles for designated entities to obtain access to capital?

20. *Unjust Enrichment.* The Commission's existing rules require the payment of unjust enrichment when an entity that acquires its license with small business benefits loses its eligibility for such benefits or transfers a license to another entity that is not eligible for the same level of benefits. Council Tree suggests that the Commission should also impose a reimbursement obligation on a licensee that, in the first five years of its license term, acquires a license with a bidding credit and subsequently makes a change in its "material relationships" or seeks to assign or transfer control of the license to an entity that would result in its loss of eligibility for the bidding credit pursuant to any eligibility restriction that the Commission adopt. Council Tree asserts that such a requirement is necessary to fulfill the Commission's statutory obligation to prevent unjust enrichment and to ensure that the new eligibility requirement for bidding credits has the intended effect of helping eligible small businesses to acquire spectrum licenses. Council Tree also proposes, however, that an unjust enrichment payment should not be required in the case of "natural growth" of the revenues attributed to an incumbent carrier above the established benchmark. Instead, it suggests that the reimbursement obligation should apply only where the licensee takes on new investment, or enters into any operational agreement, that would have disqualified the licensee for the bidding credit at the time of the licensee's initial application. The Commission seeks comment on whether, if it adopts a new restriction on the award of bidding credits to designated entities, the Commission should adopt revisions to its unjust enrichment rules such as those proposed by Council Tree, or in some other manner. Should any reimbursement obligation the Commission adopts apply where the licensee takes on new investment, or also where it enters into any new "material financial relationship" or "material operational relationship" that would have rendered the licensee

ineligible for a bidding credit? If the Commission requires reimbursement by licensees that, either through a change of "material relationships" or assignment or transfer of control of the license, lose their eligibility for a bidding credit pursuant to any eligibility restriction that it might adopt, over what portion of the license term should such unjust enrichment provisions apply?

21. *Pending Auction Provisions.* As stated at the outset, the Commission intends any changes adopted in this proceeding to apply to AWS licenses currently scheduled to be offered in an auction beginning June 29, 2006. In light of the current auction schedule, any changes that the Commission adopts in this proceeding may become effective after the deadline for filing applications to participate in that auction. Under Commission rules, applicants asserting designated entity status in a Commission auction are required to declare, under penalty of perjury, that they are qualified as a designated entity under § 1.2110 of the Commission's rules. In the event that any designated entity applicants have filed an application to participate in an auction prior to the effective date of any designated entity rule changes adopted in this proceeding, the Commission proposes to require such applicants to amend their applications on or after the effective date of the rule changes with a statement declaring, under penalty of perjury, that the applicant is qualified as a designated entity pursuant to § 1.2110 of the Commission's rules effective as of the date of the statement. In the event applicants fail to file such a statement pursuant to procedures announced by public notice, they will be ineligible to qualify as a designated entity, e.g., receive small business bidding credits, either generally or with respect to specific licenses. The Commission seeks comment on this proposal.

#### IV. Conclusion

22. For the reasons stated above, the Commission seeks comment on its competitive bidding rules, on the elements of the specific proposal raised by Council Tree, and on its tentative conclusion to modify its part 1 rules to prohibit the award of designated entity benefits where an otherwise qualified designated entity has a "material relationship" with a "large, in-region wireless service provider."

#### V. Procedural Matters

##### A. *Ex Parte Rules—Permit-But-Disclose Proceeding*

23. For purposes of this permit-but-disclose notice and comment proceeding, members of the public are advised that *ex parte* presentations are permitted, except during the sunshine Agenda period, provided that the presentations are disclosed pursuant to the Commission's rules.

##### B. *Initial Regulatory Flexibility Analysis*

24. As required by the Regulatory Flexibility Act, see 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the proposals suggested in this *Further Notice of Proposed Rulemaking*. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments filed in response to this *FNPRM*, and must have a separate and distinct heading designating them as responses to the IRFA. The Commission will send a copy of this *FNPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, this *FNPRM* and the IRFA (or summaries thereof) will be published in the **Federal Register**.

##### i. Need for, and Objectives of, the Proposed Rules

25. This *FNPRM* tentatively concludes that the Commission should modify its general competitive bidding rules governing benefits reserved for designated entities (i.e., small businesses, rural telephone companies, and businesses owned by women and minorities). Specifically, the Commission seeks comment on the specific elements of a proposal raised by Council Tree Communications, Inc. ("Council Tree") that seeks to prohibit the award of bidding credits or other small business benefits to entities that have what Council Tree refers to as a "material relationship" with a "large in-region incumbent wireless service provider." Additionally, the Commission seeks comment on whether there are other entities that might have a significant interest in the provision of communication services, e.g., voice or data providers, content providers, equipment manufacturers, other media interests, and/or facilities or non-facilities based communications services providers (hereinafter collectively referred to as "entity(ies) with significant interests in communications services,") whose

relationship with an otherwise qualified designated entity applicant should trigger a restriction on the availability of designated entity benefits.

26. Over the last decade, the Commission has engaged in numerous rulemakings and adjudicatory investigations to prevent companies from circumventing the objectives of the designated entity eligibility rules. To that end, in determining whether to award designated entity benefits, the Commission adopted a strict eligibility standard that focused on whether the applicant maintained control of the corporate entity. The Commission's objective in employing such a standard was "to deter the establishment of sham companies in a manner that permits easy resolution of eligibility issues without the delay of administrative hearings." The Commission intends its small business provisions to be available only to bona fide small businesses.

27. By this *FNPRM*, the Commission tentatively concludes that modifications to its designated entity rules are warranted. In determining what additional safeguards are necessary to ensure that bidding credits and other benefits are awarded to the appropriate entities, the Commission recognizes that it must strike a delicate balance between encouraging the participation of small businesses in the provision of spectrum based services, and ensuring that those small businesses who do participate in competitive bidding, have sufficient capital to be able to compete at auction, fulfill their payment obligations, and ultimately provide service to the public. In its continued effort to reserve for small businesses and entrepreneurs the designated entity benefits that the Commission offers, this *FNPRM* seeks comment on the elements of Council Tree's proposal and the Commission's tentative conclusion that its existing rules should be modified.

#### ii. Legal Basis

28. The proposed actions are authorized under sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j).

#### iii. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

29. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small organization," "small

business," and "small governmental jurisdiction." The term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (a) Is independently owned and operated; (b) is not dominant in its field of operation; and (c) satisfies any additional criteria established by the SBA.

30. A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term "small governmental jurisdiction" is defined as "governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." As of 1997, there were approximately 87,453 governmental jurisdictions in the United States. This number includes 39,044 county governments, municipalities, and townships, of which 37,546 (approximately 96.2%) have populations of fewer than 50,000, and of which 1,498 have populations of 50,000 or more. Thus, the Commission estimates the number of small governmental jurisdictions overall to be 84,098 or fewer. Nationwide, there are a total of approximately 22.4 million small businesses, according to SBA data.

31. Any proposed changes or additions to the Commission's part 1 rules that may be made as a result of this *FNPRM* would be of general applicability to all services, applying to all entities of any size that apply to participate in Commission auctions. Accordingly, this *IRFA* provides a general analysis of the impact of the proposals on small businesses rather than a service by service analysis. The number of entities that may apply to participate in future Commission auctions is unknown. The number of small businesses that have participated in prior auctions has varied. In all of the Commission's auctions held to date, 1,973 out of a total of 3,303 qualified bidders either have claimed eligibility for small business bidding credits or have self-reported their status as small businesses as that term has been defined under rules adopted by the Commission for specific services. In addition, the Commission notes that, as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the

context of assignments or transfers, unjust enrichment issues are implicated.

#### iv. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

32. In the event that the Commission changes its designated entity rules in this proceeding, designated entity applicants that have filed applications to participate in an auction before the effective date of any changes may be required to amend their applications on or after the effective date of the rule changes with a statement declaring, under penalty of perjury, that the applicant is qualified as a designated entity pursuant to the Commission's rules effective as of the date of the statement.

#### v. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

33. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (a) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (b) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (c) the use of performance, rather than design, standards; and (d) an exemption from coverage of the rule or any part thereof for small entities.

34. This *FNPRM* tentatively concludes that the Commission should modify its general competitive bidding rules regarding designated entity eligibility. The Commission seeks comment on the specific elements described in a proposal raised by Council Tree Communications, Inc., which seeks to prohibit the award of bidding credits or other small business benefits to entities that have what Council Tree refers to as a "material relationship" with a "large in-region incumbent wireless service provider." The Commission also seeks comment on whether such a restriction should apply to "entities with significant interests in communications services." The Commission seeks guidance from the industry on how it should define the elements of any restrictions it might adopt regarding the award of designated entity benefits. Small entity comments are specifically requested.

vi. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

35. None.

### C. Ordering Clauses

36. Accordingly, it is ordered that, pursuant to sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j), this *Further Notice of Proposed Rule Making* is hereby adopted.

37. It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Further Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06-1290 Filed 2-9-06; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 226

[I.D. 101405C]

RIN 0648-AT84

### Endangered and Threatened Species; Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule, reopening of public comment period.

**SUMMARY:** On November 2, 2005, NMFS published a proposed rule to revise current critical habitat (CH) under the Endangered Species Act of 1973 (ESA) for the northern right whale (*Eubalaena glacialis*) by designating areas within the North Pacific Ocean. Two areas are proposed for designation: an area in the southeast Bering Sea and a second area in the Gulf of Alaska south of Kodiak Island. In response to a request, a public hearing on this proposed rule will be held on March 2, 2006, in Anchorage, AK.

**DATES:** The hearing will be held in Anchorage, AK on Thursday, March 2, 2006, from 3 p.m. to 5 p.m. The public

comment period on the proposed rule (70 FR 66332) will reopen on February 10, 2006 so that additional comments submitted at, or in response to the hearing may be considered in the promulgation of the final rule. Any additional comments on this proposed rule must be received on or before March 9, 2006.

**ADDRESSES:** The hearing will be in room 154 of the U.S. Federal Office Building, 222 W. 7th Avenue, Anchorage, AK. Send comments to Kaja Brix, Assistant Regional Administrator, Protected Resources Division, AK Region, NMFS, Attn: Ellen Walsh. Comments may be submitted by:

- E-mail: 0648-AT84-NPRWCH@noaa.gov. Include in the subject line the following document identifier: Right Whale Critical Habitat PR. E-mail comments, with or without attachments, are limited to 5 megabytes.

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

- Mail: P. O. Box 21668, Juneau, AK 99802

- Hand delivery to the Federal Building : 709 W. 9th Street, Juneau, AK

- Fax: (907) 586-7012

The proposed rule, maps, stock assessments, and other materials relating to this proposal can be found on the NMFS Alaska Region website <http://www.fakr.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Brad Smith, (907) 271-3023, e-mail: [Brad.Smith@NOAA.gov](mailto:Brad.Smith@NOAA.gov) or Marta Nammack, (301) 713-1401.

#### SUPPLEMENTARY INFORMATION:

Regulations governing petitions to revise critical habitat under the ESA provide that a public hearing shall be held if any person so requests within 45 days of publication of a proposed regulation (50 CFR 424.16(c)(3)). Notice of such hearing is to be published in the *Federal Register* no later than 15 days prior to the hearing.

#### Comments and Responses

The November 2 proposed rule concerning designation of critical habitat established a comment period ending on January 3, 2006. Twenty-one comments were received on the proposed rule. These comments are summarized below. Responses to these and to comments received during the public hearing will appear in the final rule on this action.

#### Size of Proposed Critical Habitat is Too Large

*Comment:* The southern and western boundaries of the proposed critical habitat in the Bering Sea are based on very few right whale sightings. Eliminating these areas would reduce the extent of the critical habitat from 27,700 to 24,000 square miles but retain approximately 99 percent of all sightings.

*Comment:* The area designated as CH is arbitrary because there is no obvious correlation between copepod abundance and the distribution of the northern right whale.

#### Proposed Critical Habitat is Too Small

*Comment:* The proposed designations fail to address unoccupied right whale habitat. Additional areas outside of the known range of the northern right whale at the time of ESA listing should be included in this designation.

*Comment:* The extent of the areas proposed for designation as critical habitat in the North Pacific Ocean would not be sufficient to provide for the recovery of the northern right whale.

*Comment:* The proposed designation is negatively biased in that it is based on sighting effort which is not consistent over the range of the northern right whale. Therefore, the designation should be expanded to compensate for this bias. Both right whales and their Primary Constituent Elements (PCE's) are likely to occur elsewhere in densities equivalent to those occurring in the designated critical habitats.

*Comment:* The proposed designation should be expanded to recognize the probability of increased importance of adjacent areas, and to be consistent with similar efforts to designate CH for the northern right whale in the North Atlantic Ocean.

*Comment:* The precautionary principle requires NMFS to designate other areas with similar habitat conditions as CH.

*Comment:* The designation should include State of Alaska waters because they have nearly identical features to the proposed CH areas.

*Comment:* NMFS should consider designation of adjacent areas to preserve diversity and act as buffer areas.

*Comment:* NMFS should include in its designation historical right whale habitat which was essential to their conservation.

*Comment:* NMFS data demonstrate right whales are found through Unimak Pass and eastward to Kodiak Island. These waters also contain important features or serve important biological needs and should be added to the areas proposed for designation.

*Comment:* NMFS should include migratory corridors or transitional waters between high use habitats of the northern right whale in its CH designation. This should include the waters from Umnak Pass to Unimak Pass.

*Comment:* NMFS should review data from the past century and designate CH for areas where right whale concentrations overlay known areas of prey abundance.

*Comment:* Critical habitat should be designated to include those physical features which promote fronts, upwelling, and dynamic advection of nutrient-rich waters that promote zooplankton productivity.

#### *Primary Constituent Elements*

*Comment:* Feeding areas should be identified as a Primary Constituent Element (PCE) for the northern right whale.

*Comment:* PCE's are defined too narrowly in the proposed rule. Other elements are also critical to conservation of this species.

*Comment:* By defining PCEs as only the zooplankton species, NMFS has created a situation where impaired water quality and other impacts would not result in adverse modification of the CH.

*Comment:* NMFS should follow the example of the Steller's eider and spectacled eider by identifying PCE's to include all marine waters of appropriate depths, along with the underlying marine benthic community.

*Comment:* PCE's should include ocean passes and channels used by right whales.

#### *Research*

*Comment:* More research is needed to describe PCEs for the northern right whale.

*Comment:* NMFS should increase efforts to place radio tags on right whales.

*Comment:* Additional research is necessary to describe habitat use and preferences, migratory patterns, breeding and calving, and factors affecting the recovery of the northern right whale.

*Comment:* NMFS should dedicate more effort to study vessel interaction and collision avoidance by right whales.

#### *Prohibitions and Activities in Critical Habitat*

*Comment:* Critical habitat must be protected from more than just activities which may affect copepods. Protection is also needed from the effects of ship strikes, fishing gear interaction, changes in sea temperatures and environmental conditions caused by humans.

*Comment:* Designation of CH should not include amendment of fishery management measures as there is no evidence of fisheries interaction, including ship strikes, with right whales in the North Pacific Ocean.

*Comment:* Oil and gas development is incompatible with the ecology and economy of Bristol Bay and the Northeast Pacific Region. Major oil spills, related discharges, seismic activity, and ship strikes are all oil and gas-related actions which constitute adverse modification of CH.

*Comment:* Specific, focused reference to the oil and gas industry as representing a threat to the proposed right whale CH should be removed from the proposed rule.

*Comment:* Designation of CH will open the citizen suit provisions of the ESA and result in litigation and delays in projects. Economic activities that are not impacting right whale recovery will be negatively impacted.

*Comment:* Designation of CH will lead to regulatory creep and increase costs through added consultations and mitigation measures imposed by the Federal Government.

#### *Economic Considerations*

*Comment:* NMFS has correctly characterized both the economic significance of commercial fishing to the region, State, and Nation, and the effective absence of the possibility that commercial fishing can destroy or adversely modify the proposed CH for northern right whales in the Eastern Bering Sea (EBS) and Gulf of Alaska (GOA).

*Comment:* While no adverse economic or operational impacts on commercial fisheries are associated with the proposed designation, a modification of the southern and western boundaries (reduction) of CH in the EBS makes sense and would reduce the possibility of any even hypothetical future impacts on fishing activity.

*Comment:* In addition to the recommended exclusions of areas in the south and west of the proposed CH for northern right whales in the EBS to accommodate commercial fishing, the northern boundary should be moved south (reduced) from the proposed 58°00' N. to 57°30' N., owing to the presence of economically significant commercial fishing activity (bottom trawling) traditionally conducted there.

*Comment:* A substantial portion (especially the southern and eastern sections) of the proposed designation of CH in the EBS coincides with Outer Continental Shelf (OCS) Leasing Areas projected to have high to moderate natural gas production potential, and

moderate oil production potential. The economic and development benefits of these areas (in particular, the Aleutian Basin Area) justify their exclusion under provisions of the ESA.

*Comment:* The communities that are located in remote western Alaska, adjacent to the proposed designation, chronically suffer from inadequate economic development and opportunity. The entire region would benefit from economic diversification, such as that which would accompany oil and gas exploration and development. The proposed designation of CH in the EBS could increase cost, significantly delay, or even prevent such economic development, while contributing nothing to the conservation and recovery of the right whale population.

*Comment:* Inferences about the risk of fishing gear entanglements and/or vessel strikes of right whales in the North Pacific, based upon such experiences in the North Atlantic, are inappropriate and unsupported by evidence or data. The nature and magnitude of fishing and other economic activity within the two marine environments are fundamentally different and not comparable.

*Comment:* The area of the EBS encompassed by the proposed CH boundaries contain the vast majority of groundfish, crab, and halibut resources harvested by commercial fisheries in this region. They have a combined direct economic gross value of well over \$1 billion dollars, annually, and are vital to fishermen, processors, and fishery-dependent communities in Alaska. NMFS should explain how, or if, designation of CH for the right whale would affect fishery management actions that would be pursued if the incidental take of a right whale would occur in commercial fisheries.

*Comment:* The Executive OCS Deferral through 2012 requires that the North Aleutian Basin be excluded from the Five-Year OCS leasing program. This remains a sound decision and any analysis of the proposed designation must recognize that restrictions on petroleum development in the proposed areas impose no new economic costs to society.

*Comment:* MMS estimates reserves of 7 trillion cubic feet of natural gas and 230 million barrels of oil in the North Aleutian Basin. Approximately 20 percent of the high prospective geologic basin lies within the southeast corner of the proposed CH area (approximately 8 percent of the proposed designation of CH in the EBS). At risk, therefore, is about 20 percent of the estimated \$19 billion in Federal revenues, an

estimated 5,000 construction jobs, and sufficient supplies of natural gas, necessary to justify construction and operation of an liquified natural gas (LNG) facility in the area.

*Comment:* Given the critical status of this species and the requirements put forth in sections 4 and 9 of the ESA, the need for protection of right whales and designation of CH outweighs any potential economic impacts of introducing such protection. It is also important to consider the economic benefit of the survival of this species.

*Comment:* NMFS has created, by its own admission, CH that will not be adversely modified by oil or gas exploration activity.

*Comment:* Currently, neither the North Aleutian Basin nor the St. George Basin Planning areas are available for lease, owing to the 2012 deferral order. Many steps must occur before a field in either of these areas could reach production and none of these steps are certain to occur.

*Comment:* The proposed EBS designation incorporates about one third of the (oil and gas) high-potential part of North Aleutian Basin and most of the area of potential in St. George Basin. No exploration drilling has taken place in the North Aleutian Basin (one non-exploratory well was drilled in 1983). Economic studies show that the marginal prices for the North Aleutian Basin are well below current market prices, illustrating economically producible resources could exist at much lower than current prices,

improving the area's feasibility as a potential energy source. If this area becomes available for leasing, if pre-release oil and gas exploration reveals commercial quantities of petroleum, if market conditions remain favorable, if commercial discoveries are of a scale to support LNG exports, then the direct revenues to federal, state, and local governments could approach \$15 billion over a 30-year life cycle. Indirect benefits and economic multiplier effects to the Alaska economy are also likely to be several billions of dollars.

*Comment:* A basic cost/benefit analysis is submitted for petroleum activities in the North Aleutian Planning Area to demonstrate the economic potential and revenues that may be associated with commercial development. The overall conclusion is economic benefits would accrue to Federal, state, and local governments, as well as the Alaska economy, if a leasing program in the North Aleutian planning area results in commercial development of gas and oil on the scale envisioned by the MMS modeling scenario.

#### *Other Comments*

*Comment:* NMFS should designate CH as Marine Sanctuaries because this would protect other marine assets such as corals.

*Comment:* NMFS should recognize the voluntary conservation efforts of the fishing industry towards public awareness and avoidance of vessel strikes.

*Comment:* The **Federal Register** notice should include data on the

seasonal occurrence of right whales in the proposed CH areas, present an analysis of vessel and fishing gear interaction based on photographic evidence, and discuss the effects of climate change and variable ice patterns on copepods.

*Comment:* The Alaska Outer Continental Shelf oil and gas leasing program has existed for 30 years, during which time the MMS has demonstrated that industry activities can be carried out in a manner that does not jeopardize the continued existence of threatened or endangered species, or adversely affect designated critical habitat.

*Comment:* There is no evidence that commercial trawling in the North Pacific or Eastern Bering Sea results in any adverse impacts on the benthic environment, and certainly none that could adversely impact the PCEs identified under the proposed designation of CH in these areas.

#### **Special Accommodations**

This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Brad Smith (see **FOR FURTHER INFORMATION CONTACT**) at least 10 business days in advance of the hearing.

Dated: February 6, 2006.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. E6-1887 Filed 2-9-06; 8:45 am]

**BILLING CODE 3510-22-S**

## Notices

Federal Register

Vol. 71, No. 28

Friday, February 10, 2006

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

[Docket No. DA-06-001]

#### Office of Procurement and Property Management; Notice of Request for Extension and Revision of a Currently Approved Information Collection

**AGENCY:** Office of the Chief Information Officer, Office of Procurement and Property Management, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Office of Procurement and Property Management's (OPPM) intention to request an extension for and revision to a currently approved information collection for USDA Personal Identity Verification (PIV) Request for Credential, the USDA Homeland Security Presidential Directive 12 (HSPD-12) program. HSPD-12 establishes a mandatory, Government-wide standard for secure and reliable forms of identification (credentials) issued by the Federal Government to its employees and contractors. The Office of Management and Budget (OMB) mandated that these credentials be issued to all Federal Government employees, contractors, and other applicable individuals who require long-term access to federally controlled facilities and/or information systems. The HSPD-12 compliant

program is jointly owned and administered by the Office of the Chief Information Officer (OCIO) and the Office of Procurement and Property Management (OPPM).

**DATES:** Comments on this notice must be received by April 11, 2006 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Contact Martin W. Brumback, Chief, Personnel and Document Security Division, Office of Procurement and Property Management, USDA, Room S310, Mail Stop 9305, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC 20250.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

HSPD-12 mandates the creation of a standard for identity proofing and credentialing Federal employees and contractors. Federal Information Processing Standard Publication 201 (FIPS-201) outlines the requirements for implementing processes and technologies consistent with control objectives of HSPD-12. FIPS-201 establishes a standard for a Personal Identity Verification (PIV) system based on secure and reliable forms of identification credentials issued by the Federal Government to its employees and contractors. These credentials are intended to authenticate individuals who require access to federally controlled facilities, information systems, and applications. FIPS 201 addresses requirements for initial identity proofing, infrastructures to support interoperability of identity credentials, and accreditation of organizations and processes issuing PIV credentials.

FIPS 201 outlines two phases to implement an HSPD-12 compliant program. Phase I (PIV I) outlines the registration, identity proofing, and issuance process. Phase II (PIV II) outlines the technical and

interoperability requirements of an HSPD-12 compliant system. USDA is currently developing PIV II, scheduled to be implemented by the required date of October 27, 2006.

**Title:** USDA PIV Request For Credential;

**OMB Number:** 0505-0022;

**Expiration Date of Approval:** 4/30/06;

**Type of Request:** Extension and revision of a currently approved information collection.

**Abstract:** The HSPD-12 information collection consists of two phases of implementation: Personal Identity Verification phase I (PIV I) and Personal Identity Verification phase II (PIV II). The information requested must be provided by Federal employees, contractors and other applicable individuals when applying for a USDA credential (identification card). This information collection is necessary to comply with the requirements outlined in Homeland Security Presidential Directive (HSPD) 12, and Federal Information Processing Standard (FIPS) 201, Personal Identity Verification (PIV) Phase I. USDA must implement an identity proofing, registration, and issuance process consistent with the requirements outlined in FIPS 201. This information collection form is required as part of USDA's PIV I identity proofing and registration process. For PIV II, implemented before 10/27/06, form AD 1197 will be eliminated and the identity process will be streamlined with the addition of a Web-based HSPD-12 system. Therefore, two estimates of burden are calculated and two process descriptions are included.

**Estimate of Burden:** Public reporting burden for this collection of information is estimated to average 4.75 hours per response for PIV I, and 4.25 hours for PIV II. The Burden is estimated based on the three prerequisites for PIV Credential issuance as well as the receipt of the PIV Credential itself.

	PIV I (present-10/26/06)	PIV II (after 10/27/06)
Provide identity information and documentation .....	1.25 hours .....	1.25 hours.
Complete and Submit Background Investigation Forms .....	1 hour (paper-based) .....	.5 hours (electronic).
Photograph and Fingerprint for PIV I .....	1.5 hours .....	N/A.
Biometrics Capture (Facial Image and Fingerprints) for PIV II .....	N/A .....	1.5 hours.
Adjudication Appeals (Applicable to 5% of applicants) .....	1 hour .....	1 hour.
Receive PIV Credential .....	None (pickup at work location).	None (pickup at work location).



**Respondents:** For PIV I, new long term contractors, affiliates, and employees must undergo the information collection process. For PIV II, long term contractors, affiliates, and employees must undergo the information collection process. Existing contractors/employees/affiliates must undergo the process to receive a PIV Credential.

**Estimated Annual Number of Respondents:** PIV I respondents: 10,000; PIV II respondents: 50,000.

**Estimated Number of Responses per Respondent:** Each respondent should complete one response.

**Estimated Total Annual Burden on Respondents:** PIV I: 57,500 hours; PIV II: 212,500 hours.

**Comments are invited on:** (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Martin Brumback. All comments received will be available for public inspection during regular business hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

**Martin Brumback,**

*Office of Procurement and Property Management.*

[FR Doc. E6-1873 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-98-P

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

**AGENCY:** Research, Education, and Economics, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, 5 U.S.C. App 2, the United States Department of Agriculture announces a

meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board (Advisory Board).

**DATES:** The meeting dates are March 7-9, 2006, Washington, DC.

**ADDRESSES:** You may submit comments by any of the following methods before or up to two weeks after the meeting: e-mail: [jspurling@csrees.usda.gov](mailto:jspurling@csrees.usda.gov); Fax: (202) 720-6199; Mail/Hand-Delivery: National Agricultural Research, Extension, Education, and Economics Advisory Board Office, U.S. Department of Agriculture, Room 344-A, Jamie L. Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250-2255.

**FOR FURTHER INFORMATION CONTACT:** Jim Spurling, (Acting) Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board; Telephone: (202) 720-8187.

**SUPPLEMENTARY INFORMATION:** The meeting will take place at the Economic Research Service (ERS) of USDA, 1800 M Street, NW., (3rd Floor), Washington, DC 20020. On Tuesday, March 7, 2006, at 1 p.m. the focus session will begin with introductory remarks provided by the Chair of the Advisory Board, Under Secretary for Research, Education, and Economics (REE), USDA, followed by remarks from officials and/or designated experts from the four agencies of USDA's Research, Education, and Economics. On Wednesday, March 8, 2006, the general focus session will begin at 8 a.m. to 5 p.m. with highlights on "Germ Plasma and Bio Energy". On Thursday, March 9, 2006, the focus session will reconvene at 8 a.m. to hear recap highlights of the previous day's focus session, followed by overall Advisory Board discussions. The Advisory Board Meeting will adjourn by 12 Noon. All portions of the Advisory Board meeting are open to the public. An opportunity for public comment will be offered after the meeting wrap-up.

Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Advisory Board meeting (by close of business Thursday, March 23, 2006). All statements will become a part of the official record of the Advisory Board and will be kept on file for public review in the Advisory Board Office.

Done at Washington, DC this 6th day of February, 2006.

**Joseph J. Jen,**

*Under Secretary, Research, Education, and Economics.*

[FR Doc. E6-1875 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-22-P

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Foreign Agricultural Service (FAS) is announcing its intention to request an extension for a currently approved information collection process in support of the McGovern-Dole International Food for Education and Child Nutrition Program.

**DATES:** Comments on this notice must be received by April 16, 2006 to be assured of consideration.

**Additional Information or Comments:** Contact William Hawkins, Director, Program Administration Division, Foreign Agricultural Service, U.S. Department of Agriculture, AgStop 1031, Washington, DC 20250-1031, telephone (202) 720-3241.

#### SUPPLEMENTARY INFORMATION:

**Title:** McGovern-Dole International Food for Education and Child Nutrition Program.

**OMB Control Number:** 0551-0039.

**Type of Request:** Extension of a currently approved information collection.

**Abstract:** This information is needed to administer the McGovern-Dole International Food for Education and Child Nutrition Program. The information will be gathered from applicants desiring to receive grants under the program to determine the viability of requests for resources to implement school feeding and maternal and child nutrition programs in foreign countries and other periodic reports during the course of implementing the activities.

**Estimate of Burden:** Public reporting burden for this collection of the additional information is estimated to average 10.6 hours per applicant.

**Respondents:** Private voluntary organizations, shipping agents, ship owners/brokers, and survey companies.

*Estimated Number of Respondents:* 156.

*Estimated Number of Responses per Respondent:* 7.

*Estimated Total Annual Burden on Respondents:* 11,607 hours.

Copies of the information collection may be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720-2568.

*Request for Comments:* Send comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to: William S. Hawkins, Director, Program Administration Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Ave., SW., Stop 1031, Washington, DC 20250-1031; Telephone (202) 720-3241.

All responses to this notice will be summarized. All comments will also become a matter of public record.

Dated: Signed at Washington, DC on January 31, 2006.

**A. Ellen Terpstra,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 06-1245 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-10-M

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

#### Notice of Intent To Reinstatement of a Previously Approved Information Collection

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-113) and Office of Management and Budget regulations at 5 CFR part

1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to request reinstatement with change of a previously approved information collection, the Census of Agriculture.

**DATES:** Comments on this notice must be received by April 11, 2006 to be assured of consideration.

**ADDRESSES:** Comments may be sent to Ginny McBride, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250-2024 or [gmcbride@nass.usda.gov](mailto:gmcbride@nass.usda.gov) or faxed to (202) 720-6396.

**FOR FURTHER INFORMATION CONTACT:** Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-4333.

#### SUPPLEMENTARY INFORMATION:

*Title:* The 2007 Census of Agriculture.

*OMB Control Number:* 0535-0226.

*Type of Request:* Intent to Request Reinstatement of a Previously Approved Information Collection.

*Abstract:* The census of agriculture, conducted every 5 years, is the primary source of statistics concerning the nation's agricultural industry. It provides the only basis of consistent, comparable data for each county, county equivalent, and State in the United States and its outlying insular areas. The census of agriculture is required by law under the Census of Agriculture Act of 1997, Pub. L. 105-113, 7 U.S.C. 2204(g).

The 2007 census of agriculture will cover all agricultural operations in the 50 States, Puerto Rico, Guam, the U.S. Virgin Islands, the Commonwealth of Northern Mariana Islands (CNMI), and American Samoa (AS), which meet the census definition for a farm. For the States, Guam, and CNMI, a farm is any place that produced and sold, or normally would produce and sell, \$1,000 or more of agricultural products during the census year. For Puerto Rico and the U.S. Virgin Islands it is any place with \$500 in sales. American Samoa defines a farm without using a specific dollar value of sales.

Data collection for the censuses of agriculture for the 50 States and Puerto Rico will be conducted primarily by mail-out/mail-back procedures. Data collection for Guam, the U.S. Virgin Islands, CNMI, and AS, will be conducted using direct enumeration methods. NASS conducted a census survey form content test (OMB No. 5035-0243) during the winter of 2005-2006 to evaluate new content items,

report form design and format, and processing procedures for the 50 States.

To minimize response burden NASS is introducing a new short form which is targeted to farm operators who have a history of only raising a few commodities. This history is determined by administrative data collected over multiple years from surveys and censuses. The short form allows a respondent to report virtually every question contained in the long form but with a streamlined approach. With fewer pages to review, respondents will be able to report their commodities more quickly. This also eliminates the need for sample data, used since the 1978 Census of Agriculture, which has increasingly caused confusion on the part of data users. A long form will be tailored to various regions of the country, as in past censuses, and used to collect data from operators with several crop and/or livestock commodities or unknown agricultural production. A screening survey conducted prior to the census will again be used to eliminate non-farm operations from the census mail list.

The Census of Agriculture Act guarantees farm operators that their individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only summarized data. These data are used by Congress when developing or changing farm programs. Many national and State programs are designed or allocated based on census data, such as soil conservation projects, funds for cooperative extension programs, and research funding. Private industry uses the data to provide more effective production and distribution systems for the agricultural community.

*Estimate of Burden:* Public reporting burden for this collection is estimated to average 50 minutes per positive response, 10 minutes per screen-out, and 1 minute per refusal.

*Respondents:* Farm and ranch operators.

*Estimated Number of Respondents:* 3,160,000.

*Estimated Total Annual Burden on Respondents:* 1,400,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS Clearance Officer, at (202) 720-5778.

**Comments:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection

of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, January 17, 2006.

Joseph T. Reilly,  
Associate Administrator.

[FR Doc. E6-1876 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-20-P

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

#### Notice of Appointment to the Advisory Committee on Agriculture Statistics

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notification of appointment to the Advisory Committee on Agriculture Statistics.

**SUMMARY:** The Office of the Secretary of Agriculture announces members appointed to the Advisory Committee on Agriculture Statistics, in accordance with the Federal Advisory Committee Act, 5 U.S.C. App.

**FOR FURTHER INFORMATION CONTACT:** Joe Reilly, Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 5041A South Building, Washington, DC 20250-2000. Telephone: 202-720-4333, Fax: 202-720-9013, or e-mail: [jreilly@nass.usda.gov](mailto:jreilly@nass.usda.gov).

**SUPPLEMENTARY INFORMATION:** The appointment for the twenty-five member committee, which has representation across seven categories which covers a broad range of agricultural disciplines and interests, was signed on November 16, 2005. Appointed members, by their associated category are: Consumer and Information Organizations—John Baugh, West Lafayette, IN; Janice Gengenbach, Smithfield, NE; Kent Schescke, Carmel, IN; Educational Organizations—R. Edmund Gomez, Alcalde, NM; Barry Goodwin, Cary, NC; Ron Plain, Columbia, MO. Farm Services Organizations—Jacklyn Folsom, Cabot,

VT; John Hays, Alexandria, VA; Doris Mold, Cumberland, WI; Ranvir Singh, Marysville, CA; John Smylie, Palatine, IL. Government Agencies—Karen Klonsky, Winters, CA. National Farm Organizations—Patricia Berglund, Fargo, ND; Brent Blaich, Mechanicsburg, PA; Peter Daniel, Raleigh, NC; Terry Francl, Crofton, MD. Producer and Marketing Organizations—Gary Adams, Cordova, TN; Carl Brothers, Stuttgart, AR; Roger Cryan, Fairfax, VA; William Lapp, Omaha, NE; Lucy Meyring, Walden, CO; James Robb, Lakewood, CO; Ira Silvergleit, Alexandria, VA. Professional Organizations—Frank Howell, Starkville, MS; A. Gene Nelson, College Station, TX.

The duties of the Committee are solely advisory. The Committee will make recommendations to the Secretary of Agriculture with regards to the agricultural statistics program of the National Agricultural Statistics Service (NASS) and such other matters as it may deem advisable, or which the Secretary of Agriculture, Under Secretary for Research, Education, and Economics, or the Administrator of NASS may request. The Advisory Committee meeting will be held on February 14-15, 2006. All meetings are open to the public. Committee members will be reimbursed for official travel expenses only.

Signed at Washington, DC, January 18, 2006.

R. Ronald Bosecker,  
Administrator, National Agricultural  
Statistics Service.

[FR Doc. E6-1877 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-20-P

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

#### Notice of the Advisory Committee on Agriculture Statistics Meeting

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the National Agricultural Statistics Service (NASS) announces a meeting of the Advisory Committee on Agriculture Statistics.

**DATES:** The Committee meeting will be held from 1 p.m. to 4:30 p.m. on Tuesday, February 14, 2006, and from 8 a.m. to 4:30 p.m. on Wednesday, February 15, 2006. There will be an opportunity for public questions and comments at 3:30 p.m. on February 15, 2006.

**ADDRESSES:** The Committee meeting will take place at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia, 22202. Written comments may be filed before or within a reasonable time after the meeting with the contact person identified herein at: U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue, SW., Room 5041A, South Building, Washington, DC 20250-2000.

**FOR FURTHER INFORMATION CONTACT:** Joe Reilly, Executive Director, Advisory Committee on Agriculture Statistics. Telephone: 202-720-4333, Fax: 202-720-9013, or e-mail: [jreilly@nass.usda.gov](mailto:jreilly@nass.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Agriculture Statistics, which consists of 25 members appointed from 7 categories covering a broad range of agricultural disciplines and interests, has scheduled a meeting on February 14-15, 2006. During this time the Advisory Committee will discuss topics including Small and Minority Farm coverage in the 2007 Census of Agriculture, the needs for the 2007 Census of Agriculture follow-on surveys, and Improving Respondent Relations and Reducing Reporting Burden Publications.

The Committee meeting is open to the public. The public may file written comments to the USDA Advisory Committee contact person before or within a reasonable time after the meeting. All statements will become a part of the official records of the USDA Advisory Committee on Agriculture Statistics and will be kept on file for public review in the office of the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, Washington, DC 20250.

Dated February 2, 2006, at Washington, DC.

R. Ronald Bosecker,  
Administrator, National Agricultural  
Statistics Service.

[FR Doc. E6-1878 Filed 2-9-06; 8:45 am]

BILLING CODE 3410-20-P

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Meeting of the Agricultural Air Quality Task Force

**AGENCY:** Natural Resources Conservation Service (NRCS), USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Agricultural Air Quality Task Force (AAQTF) will meet to continue discussions on air quality issues relating to agriculture.

**DATES:** The meeting will convene on Tuesday, February 28, 2006, through Thursday, March 2, 2006. Public comment periods will be held twice on each day, once in the morning, and once in the afternoon. Individuals making oral presentations should register in-person at the venue, and must bring with them 50 copies of material they would like distributed. Written material for AAQTF's consideration prior to the meeting must be received by Dr. Diane E. Gelburd (contact information forthcoming) no later than Thursday, February 23, 2006.

**ADDRESSES:** The meeting will be held at the Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, Maryland 20814; telephone: (301) 652-2000.

**FOR FURTHER INFORMATION CONTACT:** Questions and comments should be directed to Dr. Diane E. Gelburd, Designated Federal Officer. Dr. Gelburd may be contacted at USDA Natural Resources Conservation Service, 1400 Independence Avenue, SW., Room 6158-S, Washington, DC 20250; telephone: (202) 720-2587; e-mail: [Diane.Gelburd@wdc.usda.gov](mailto:Diane.Gelburd@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information concerning AAQTF may be found on the World Wide Web at <http://www.airquality.nrcs.usda.gov/AAQTF/>.

*Draft Agenda of the February 28 through March 2, 2006, Meeting of the AAQTF:*

- A. Welcome to Bethesda, Maryland.
- B. Discussion of Minutes from Previous Meeting.
- C. Discussion of Documents to be Approved by the End of the Meeting.
- D. Subcommittee Presentations.
  1. Emerging Issues Subcommittee Report.
  2. Research Subcommittee Report.
  3. Policy Subcommittee Report.
  4. Education and Outreach Subcommittee Report.
- E. Environmental Protection Agency Update.
- F. Next Meeting, Time and Place.
- G. Public Comments.

(Time will be reserved in the morning and afternoon of each daily session to receive public comments. Individual presentations will be limited to 5 minutes).

**Procedural:** This meeting is open to the public. At the discretion of the Chair, members of the public may give oral presentations during the meeting.

Those persons wishing to make oral presentations should register in person at the venue. Those wishing to distribute written material at the meeting itself, in conjunction with spoken comments, must bring 50 copies of the material with them. Written material for distribution to AAQTF members prior to the meeting must be received by Dr. Gelburd no later than Thursday February 23, 2006.

**Information on Services for Individuals with Disabilities:** For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact Dr. Gelburd. The Department of Agriculture (USDA) prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720-2000 (voice and TDD). USDA is an equal opportunity provider and employer.

Signed in Washington, DC on February 3, 2006.

**Bruce I. Knight,**  
Chief.

[FR Doc. 06-1275 Filed 2-9-06; 8:45 am]  
BILLING CODE 3410-16-P

## DEPARTMENT OF AGRICULTURE

### Rural Telephone Bank

#### Sunshine Act; Meetings

**AGENCY:** Rural Telephone Bank, USDA.

**ACTION:** Staff Briefing for the Board of Directors.

**TIME AND DATE:** 2 p.m., Wednesday, February 22, 2006.

**PLACE:** Conference Room 108-A, Jamie L. Whitten Federal Building, U.S. Department of Agriculture, 12th & Jefferson Drive, SW., Washington, DC.

**STATUS:** Open.

#### MATTERS TO BE DISCUSSED:

1. Progress of dissolution of the Bank.
2. Administrative and other issues.

**ACTION:** Board of Directors Meeting.

**TIME AND DATE:** 9 a.m., Thursday, February 23, 2006.

**PLACE:** Conference Room 108-A, Jamie L. Whitten Federal Building, U.S.

Department of Agriculture, 12th & Jefferson Drive, SW., Washington, DC.  
**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to order.
2. Action on Minutes of the November 3, 2005, board meeting.
3. Secretary's Report.
4. Treasurer's Report.
5. Update on dissolution of the Bank.
6. Adjournment.

**CONTACT PERSON FOR MORE INFORMATION:** Jonathan Claffey, Acting Assistant Governor, Rural Telephone Bank, (202) 720-9554.

Dated: February 7, 2006.

**James M. Andrew,**  
Governor, Rural Telephone Bank.

[FR Doc. 06-1320 Filed 2-8-06; 3:14 pm]

BILLING CODE 3410-15-P

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from Procurement List.

**SUMMARY:** The Committee is proposing to add to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and services previously furnished by such agencies.

*Comments Must be Received on or Before:* March 12, 2006.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

*For Further Information or to Submit Comments Contact:* Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [SKennerly@jwod.gov](mailto:SKennerly@jwod.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

#### Additions

If the Committee approves the proposed additions, the entities of the

Federal government identified in this notice for each product or service will be required to procure the product and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

#### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and service to the government.

2. If approved, the action will result in authorizing small entities to furnish the product and service to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the product and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

#### End of Certification

The following product and service are proposed for addition to Procurement List for production by the nonprofit agencies listed:

#### Product

*Product/NSN:* Grommet, Rotating Band, 8140-01-051-9953 (6.95" DIA, 2.585" L).  
*NPA:* L.C. Industries for the Blind, Inc., Durham, NC.

*Contracting Activity:* U.S. Army Field Support Command, Rock Island, IL.

#### Service

*Service Type/Location:* Document Destruction,  
USDA, Animal and Plant Health Inspection Service,  
100 North Sixth Street Butler Square West 5th Floor,  
Food Safety Inspection Service,  
Minneapolis, MN.

*NPA:* AccessAbility, Inc., Minneapolis, MN.  
*Contracting Activity:* USDA, Animal and Plant Health Inspection Service, Minneapolis, MN.

#### Deletions

#### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities.

The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and services to the government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for deletion from the Procurement List.

#### End of Certification

The following products and services are proposed for deletion from the Procurement List:

#### Products

*Product/NSN:* Binder, Loose-leaf, 7510-00-965-2442.

*NPA:* ForSight Vision, York, PA.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Center, New York, NY.

*Product/NSNs:* Cross "Solo" Pen and Refill, 7520-01-424-4846,  
7520-01-424-4848,  
7520-01-424-4860,  
7520-01-424-4871,  
7520-01-424-4881.

*NPA:* In-Sight, Warwick, RI.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Center, New York, NY.

*Product/NSNs:* Flu Detection Kit, 6550-00-NIB-0001,  
6550-00-NIB-0002.

*NPA:* San Antonio Lighthouse for the Blind, San Antonio, TX.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Center, New York, NY.

*Product/NSNs:* Mailers, Audio Cassette, 8105-01-386-2181,  
8105-01-386-2189.

*NPA:* ForSight Vision, York, PA.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Center, New York, NY.

*Product/NSNs:* Remanufactured Ink Jet Cartridge, 7510-01-443-2122 (HP51629A),  
7510-01-443-2123 (HP51626A).

*NPA:* Work Transition Services, San Bruno, CA.

*Contracting Activity:* Office Supplies & Paper Products Acquisition Center, New York, NY.

*Product/NSNs:* Sign Kit, Contaminate, 9905-01-363-0872,  
9905-01-363-0873,  
9905-01-363-0875,  
9905-01-363-0876,  
9905-01-363-0877.

*NPA:* Georgia Industries for the Blind, Bainbridge, GA.

*Contracting Activity:* Department of the Navy.

#### Services

*Service Type/Location:* Custodial & Grounds Maintenance,  
Federal Building, U.S. Post Office and Courthouse,  
600 East First Street,  
Rome, GA.

*NPA:* Bobby Dodd Institute, Inc., Atlanta, GA.

*Contracting Activity:* GSA, Property Management Center (4PMB), Atlanta, GA.

**Sheryl D. Kennerly,**

*Director, Information Management.*

[FR Doc. E6-1840 Filed 2-9-06; 8:45 am]

BILLING CODE 6353-01-P

## COMMISSION ON CIVIL RIGHTS

### Notice of Meetings; Sunshine Act

**AGENCY:** U.S. Commission on Civil Rights.

**DATE AND TIME:** Friday, February 17, 2006. 9:30 a.m. Commission Meeting.

**PLACE:** U.S. Commission on Civil Rights, 624 Ninth Street NW., Room 540, Washington, DC 20425.

#### STATUS:

#### Agenda

- I. Approval of Agenda.
- II. Approval of Minutes of January 20, 2006 Meeting.
- III. Announcements.
- IV. Staff Director's Report.
- V. Briefing Reports.
  - Voting Rights Act Briefing Report.
  - Campus Anti-Semitism Briefing: Findings and Recommendations.
- VI. Management and Operations.
  - Working Group on the Budget.
  - January 31, 2006, Commission Report to Senate Appropriations.
  - Performance and Accountability Report.
  - Correspondence From U.S. House Subcommittee on the Constitution.
  - Creation of Working Group on Strategic Planning.
- VII. State Advisory Committees.
  - Commission Consideration of SAC Reports.
  - SAC Chair Terms.
  - Arizona SAC Report.
- VIII. Future Briefings.
  - Schedule for Future Briefings.
- IX. U.S. House of Representatives Committee on the Judiciary.
  - Briefing by Congressional Staff Regarding Future Planning.

#### FOR FURTHER INFORMATION CONTACT:

Audrey Wright, Office of the Staff Director (202) 376-7700.

**Kenneth L. Marcus,**

*Staff Director, Acting General Counsel.*

[FR Doc. 06-1283 Filed 2-7-06; 4:13 pm]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

## Foreign-Trade Zones Board

[Docket 4-2006]

**Foreign-Trade Zone 22—Chicago, Illinois, Request for Manufacturing Authority, Michelin North America Proposed Subzone, (Wheel Assembly), Monee, Illinois**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, requesting authority on behalf of Michelin North America (MNA) to assemble wheels under FTZ procedures at the MNA distribution facility located in Monee, Illinois. The application was formally filed on February 2, 2006.

The applicant is requesting to perform wheel assembly using domestic and foreign components on behalf of auto manufacturer clients at the proposed MNA subzone in Monee, Illinois (FTZ Doc. 15-2005, 70 FR 14443, 3/22/05). Foreign-sourced components include tires (HTSUS 4011.10, 4011.20, 4011.61, 4011.62, 4011.63, 4011.92, 4011.93, 4011.94, 4011.99, duty-free to 4.0%), wheel rims (HTSUS 8708.70, duty-free to 2.5%), flaps (HTSUS 4012.90, duty-free to 4.2%), valves (HTSUS 8481.80, duty-free to 5%), tubes (HTSUS 4013.10, duty-free to 3.7%), gaskets (HTSUS 4016.93, duty-free to 2.5%), sensors (HTSUS 8525.10, duty-free), and nuts (HTSUS 7318.16, duty-free).

FTZ procedures would exempt MNA from Customs duty payments on the foreign components used in production for export to non-NAFTA countries. On shipments for U.S. consumption and to NAFTA markets, MNA could elect the wheel assembly duty rate (generally dutiable as an auto part - 2.5%) for the foreign components (mostly tires dutiable at 4%) listed above. The auto part duty rate (2.5%) would apply if the wheel assemblies are shipped via zone-to-zone transfer to U.S. motor vehicle assembly plants with subzone status. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions Via Express/Package Delivery Services:* Foreign-Trade-

Zones Board, U.S. Department of Commerce, Franklin Court Building - Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or  
2. *Submissions Via the U.S. Postal Service:* Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB - Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is April 11, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 26, 2006).

Copies of the request will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above.

Dated: February 3, 2006.

**Dennis Puccinelli,**  
*Executive Secretary.*

[FR Doc. E6-1885 Filed 2-9-06; 8:45 am]

Billing Code: 3510-DS-S

## DEPARTMENT OF COMMERCE

## Foreign-Trade Zones Board

[Docket 3-2006]

**Foreign-Trade Zone 181—Akron/Canton, Ohio, Application for Expansion**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Northeast Ohio Trade & Economic Consortium (NEOTEC), grantee of FTZ 181, requesting authority to expand Site 2a in Trumbull County, Ohio within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 31, 2006.

FTZ 181 was approved by the Board on December 23, 1991 (Board Order 546, 57 FR 41; 1/2/92). On March 13, 1998, the grant of authority was reissued to NEOTEC (Board Order 965, 63 FR 13837; 3/23/98). The zone was expanded in 1997 (Board Order 902, 62 FR 36044; 7/3/97), in 1998 (Board Order 968, 63 FR 16962; 4/7/98), in 1999 (Board Order 1053, 64 FR 51291; 9/22/99), in 2002 (Board Order 1260, 67 FR 71933; 12/3/02), and in 2004 (Board Order 1334, 69 FR 30281; 5/27/04). An additional expansion application (Docket 57-2005, filed 11/14/2005) is currently pending with the Board. FTZ 181 currently consists of seven sites in the northeast, Ohio area covering the

Counties of Summit, Trumbull, Mahoning, Columbiana, Stark, Ashtabula, and Portage.

The applicant is now requesting authority to expand current Site 2 by adding the 258-acre River Road Industrial Park located at 1265 North River Road, Warren, (Trumbull County), Ohio. The new parcel is owned by Delphi Packard Electric Division, who occupies 139 acres and plans to sell 119 acres for industrial park development.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 11, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 26, 2006).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 600 Superior Avenue, East, Suite 700, Cleveland, Ohio 44114  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, FCB - Suite 4100W, 1099 14th St. NW., Washington, D.C. 20005

Dated: February 3, 2006.

**Dennis Puccinelli,**  
*Executive Secretary.*

[FR Doc. E6-1886 Filed 2-9-06; 8:45 am]

Billing Code: 3510-DS-S

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-485-803]

**Notice of Final Results of Antidumping Duty Administrative Review and Final Partial Rescission: Certain Cut-to-Length Carbon Steel Plate from Romania**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On September 8, 2005, the Department of Commerce ("the

Department") published the preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Romania. The review covers Mittal Steel Galati, S.A. ("Mittal Steel", formerly Ispat Sidex S.A.) a manufacturer of the subject merchandise, and Metalexportimport SA ("MEI"), an unaffiliated exporter. The period of review is August 1, 2003, through July 31, 2004. This administrative review also covers additional producers/exporters of the subject merchandise: Metanef, S.A. ("Metanef"), MINMET S.A. ("MINMET"), CSR SA Resita ("CSR") and Combinatul de Oteluri Speciali Tirgoviste ("COST"), for which the Department is now finally rescinding this review because these producers/exporters, with the exception of CSR, did not ship subject merchandise during the period of review ("POR"). With respect to CSR, Nucor Corporation ("Nucor"), a petitioner in this proceeding, filed a timely request for withdrawal of the administrative review for this company.

**EFFECTIVE DATE:** February 6, 2006.

**FOR FURTHER INFORMATION CONTACT:** Patrick Edwards or John Drury, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-8029 or (202) 482-0195, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 8, 2005, the Department published the preliminary results of the administrative review of the antidumping duty order on certain cut-to-length carbon steel plate ("cut-to-length plate") from Romania. See *Certain Cut-to-Length Carbon Steel Plate from Romania: Preliminary Results of the Antidumping Duty Administrative Review and Partial Rescission*, 70 FR 53333 (September 8, 2005) ("Preliminary Results"). We invited parties to comment on the *Preliminary Results*. Since the publication of the *Preliminary Results*, the following events have occurred.

On September 16, 2005, Mittal Steel notified the Department that in the process of preparing a pre-verification reconciliation package for a separate proceeding, the company discovered a significant quantity of subject merchandise that it failed to report in response to the Department's section A questionnaire in this administrative review. See Memorandum from John Drury to the File, dated September 16,

2005. On September 20, 2005, Mittal Steel submitted a letter to the Department indicating that it would not participate in the cost verification, scheduled to begin on September 26, 2005, in Galati, Romania. The Department received additional correspondence from Mittal Steel on September 23, 2005, notifying the Department that, with the exception of case briefs and rebuttals and any hearing held in this administrative review, Mittal Steel would no longer "actively participate" in the proceeding. See Letter from Mittal Steel to the Secretary of Commerce, dated September 23, 2005. Additionally, Mittal Steel requested that the Department remove all of the company's business proprietary data submitted during the course of this review and return or destroy that data. On October 13, 2005, the Department issued a letter to Mittal Steel, indicating that the Department was in the process of removing all business proprietary information of Mittal Steel that was currently on the record of this review and that the Department had instructed all parties to the proceeding to remove and certify the destruction of Mittal Steel's proprietary information. On October 14, 2005, the Department notified Mittal Steel that all business proprietary data submitted during the course of this review had been destroyed and that all parties to this proceeding had also confirmed the destruction of Mittal Steel's business proprietary data in their possession. See Memorandum from Patrick Edwards to the File, dated October 14, 2005. On October 18, 2005, the Department received correspondence from MEI, also requesting the removal of business proprietary information that it had submitted on the record during the course of this administrative review. Accordingly, the Department then removed all of MEI's business proprietary data from the record.

On October 17, 2005, the Department transferred to the record of this administrative review certain documentation from the immediately preceding administrative review (i.e., the 2002-2003 Administrative Review of Certain Cut-to-Length Carbon Steel Plate from Romania) to facilitate the Department's analysis for these final results. See Memorandum to the File from Patrick Edwards, Case Analyst, regarding Transfer of Information to Record, dated October 17, 2005. On October 19, 2005, Mittal Steel submitted a letter to the Department, objecting to the transfer of documentation from the 2002-2003 administrative review to the

record of this proceeding, stating that the Department's actions resulted in Nucor's access to Mittal Steel's 2002-2003 business proprietary data, which the Department had determined in the immediately preceding review that Nucor's counsel was not entitled to access. See Letter from Mittal Steel to the Secretary of Commerce, dated October 19, 2005. Mittal Steel asserts that its business proprietary data from the immediately preceding review is currently part of the administrative record filed with the Court of International Trade in the ongoing litigation in *Mittal Steel Galati SA v. United States*, Court No. 05-00311. Thus, Mittal Steel requested that the Department deny Nucor access to the business proprietary information transferred to the record of this review, because Nucor was denied APO access to the data in the immediately preceding review because Nucor filed an untimely request for an administrative protective order ("APO"). See Letter from Ann Sebastian, Director APO Unit, Import Administration to Alan H. Price, Wiley, Rein & Fielding, dated November 12, 2004.

On October 20, 2005, Nucor filed a response to Mittal Steel's letter of October 19, 2005, stating that it is entitled to access the business proprietary information transferred to the record of this administrative review, as the 2002-2003 and 2003-2004 reviews are two separate proceedings, the latter of which Nucor's APO application was approved by the Department and, as such, is entitled to access all APO information which the Department places on the record as an "authorized applicant". See Letter from Nucor Corporation to the Secretary of Commerce, dated October 20, 2005. On October 24, 2005, the Department sent a letter to counsel for Mittal Steel, stating that, as authorized applicants under the APO, counsel for Nucor is entitled to receive access to all business proprietary information presented to or obtained by the Department in this segment of the proceeding under 19 CFR sections 351.305 and 351.306. See Letter from Anne M. Sebastian, Director, APO Unit, Import Administration, to John Gurley, Arent Fox PLLC, dated October 24, 2005.

On October 28, 2005, we received a case brief from Mittal Steel. We received a case brief from Nucor and IPSCO Steel Inc., ("IPSCO") (collectively, "petitioners") on October 28, 2005. We received rebuttal briefs from IPSCO and Mittal Steel on November 2, 2005. Mittal Steel had requested a public hearing in this review, but withdrew its

request on November 1, 2005. Therefore, no public hearing was held.

On December 28, 2005, because it was not practicable to complete the final results within the specified time period, the Department extended the deadline for the completion of the final results by thirty days. See *Notice of Extension of Final Results of the 2003-2004 Antidumping Duty Administrative Review of Certain Cut-to-Length Plate from Romania*, 70 FR 76764 (December 28, 2005).

#### Final Partial Rescission

In our preliminary results, we announced our determination to rescind the review with respect to Metanef, MINMET, and COST, because these parties had no entries or shipments of cut-to-length plate from Romania during the POR. We additionally announced our preliminary determination to rescind the review with respect to CSR, as petitioners withdrew their request for review with regard to this company. See *Preliminary Results*. We have received no new information or evidence of changed circumstances that would cause the Department to reconsider that determination. Therefore, we are rescinding the administrative review with respect to Metanef, MINMET, CSR and COST.

#### Scope of the Order

The products covered by this order include hot-rolled carbon steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coil and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.31.0000, 7208.32.0000, 7208.33.1000, 7208.33.5000, 7208.41.0000, 7208.42.0000, 7208.43.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.11.0000, 7211.12.0000, 7211.21.0000, 7211.22.0045, 7211.90.0000,

7212.40.1000, 7212.40.5000, and 7212.50.0000. Included under this order are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been bevelled or rounded at the edges. Excluded from this review is grade X-70 plate. These HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

#### Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum to David M. Spooner, Assistant Secretary for Import Administration, from Stephen Claeys, Deputy Assistant Secretary ("Decision Memorandum"), which is hereby adopted by this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is on file in the Central Records Unit in Room B-099 of the main Commerce building, and can also be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Facts Available

Pursuant to sections 776(a)(2)(A) and (C) and 776(b) of the Tariff Act of 1930, as amended ("the Act"), the Department finds that the application of adverse facts available ("AFA") is warranted with regard to Mittal Steel and MEI because both companies decided to terminate their participation in this review and removed their business proprietary information from the record, and thus have significantly impeded the Department's completion of the review. See Letter from Mittal Steel to the Secretary of Commerce, dated September 23, 2005. In addition, the Department finds that those companies have failed to cooperate to the best of their abilities, within the meaning of section 776(b) of the Act, as discussed further below.

Section 776(a)(2) of the Act provides that, if an interested party or any other person (A) withholds information that has been requested by the administering authority or the Commission under this title, (B) fails to provide such information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, (C) significantly impedes a proceeding under this title, or (D) provides such

information but the information cannot be verified as provided in section 782(i), the administering authority and the Commission shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title. Section 782(d) of the Act provides that if a response to a request for information does not comply with the request, the Department shall promptly notify the respondent of the nature of the deficiency and shall, to the extent practicable, provide an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of the review. Furthermore, section 776(b) of the Act provides that, if a party has failed to act to the best of its ability to comply with the Department's request for information, the Department may apply an adverse inference. See also, the Statement of Administrative Action ("SAA"), accompanying the URAA, H.R. Rp. No. 316, 103rd Cong., 2d Sess. 870.

We find that facts available is warranted in accordance with section 776(a)(2)(A) and (C) of the Act, because Mittal Steel and MEI unilaterally decided to terminate their participation in this review, and both companies removed their business proprietary information submitted through their responses to the Department's antidumping duty questionnaires from the record information necessary to calculate a margin for these companies. As such, the Department is significantly impeded in calculating a margin because critical information regarding Mittal Steel and MEI's sales and quantities of sales in the home market and in the United States are only obtainable from the companies' questionnaire responses. Therefore, an accurate margin for these companies cannot be determined. Section 782(d) of the Act does not apply in this situation because Mittal Steel and MEI have terminated their participation in the review. Thus, we are using facts available, in accordance with sections 776(a)(2)(A) and (C) of the Act.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of the respondent, if it determines that a party has failed to cooperate to the best of its ability. The Department finds that Mittal Steel and MEI have failed to cooperate to the best of their abilities because these companies could comply with the Department's request for information as indicated by the completed questionnaire responses that Mittal Steel and MEI submitted on the



record before they withdrew these responses. Mittal Steel and MEI withdrew all of their business proprietary questionnaire responses and, thus, gave insufficient attention to their statutory duty to provide the Department with complete and accurate information. For all of the aforementioned reasons, the Department finds that Mittal Steel and MEI failed to cooperate to the best of their abilities. For a detailed analysis of the Department's decision to apply AFA, see Memorandum from John Drury and Patrick Edwards, Case Analysts, to the File: Final Results in the Antidumping Duty Administrative Review of Certain Cut-to-Length Carbon Steel Plate from Romania: Total Adverse Facts Available and Corroboration Memorandum for Company Rate, dated February 6, 2006.

Therefore, in selecting from the facts available, the Department determines that an adverse inference is warranted. In accordance with section 776(b) of the Act, because of Mittal Steel and MEI's removal of all business proprietary data upon which any accurate margin could be calculated, the Department is applying total AFA to both Mittal Steel and MEI. For purposes of these final results, the Department will apply as AFA the current "all-others" rate of 75.04 percent, which is based on the final determination of the less-than-fair value investigation and is also the highest rate from any prior segment of this proceeding. See *Final Determination of Sales at Less-Than-Fair Value: Certain Cut-to-Length Carbon Steel Plate from Romania*, 58 FR 37209 (July 9, 1993).

We note that, in making adverse inferences, the SAA authorizes the Department to consider the extent to which a party may benefit from its own lack of cooperation. See SAA at 870. For purposes of our final results, we have carefully analyzed the rates contained in the petition and the rates in the less-than-fair-value ("LTFV") investigation. Given that the 75.04 percent rate is the highest rate from any prior segment of this proceeding, and that Mittal Steel's calculated dumping margin from the *Preliminary Results* was 48.90 percent, we find that the 75.04 percent rate will prevent Mittal Steel or MEI from benefiting from its lack of cooperation in this administrative review. For a detailed analysis of the Department's corroboration of the assigned adverse-facts-available rate and further detail on the Department's determination to apply AFA to these companies, see *Final Determination in the Antidumping Duty Administrative Review of Certain Cut-to-Length Carbon Steel Plate from Romania: Total Adverse Facts Available*

Corroboration Memorandum for Company Rate, from John Drury and Patrick Edwards, Case Analysts, to the File, dated February 6, 2006 ("*Corroboration Memorandum*").

#### Corroboration of Secondary Information Used as AFA

Section 776(c) of the Act provides that when the Department relies on the facts otherwise available and relies on "secondary information," the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The SAA states that "corroborate" means to determine that the information used has probative value. See SAA at 870. The Department has determined that to have probative value, information must be reliable and relevant. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished from Japan*, 61 FR 57391, 57392 (November 6, 1996). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and Customs data, and information obtained from interested parties during the particular investigation. See *Preliminary Determination of Sales at Less than Fair Value: High and Ultra-High Voltage Ceramic Station Post insulators from Japan*, 68 FR 35627 (June 16, 2003); and *Final Determination of Sales at Less than Fair Value: Live Swine from Canada*, 70 FR 12181 (March 11, 2005).

The reliability of the AFA rate was determined by the calculation of the "Romania-wide" rate in the original LTFV investigation, and on the most appropriate surrogate value information available to the Department in the investigation, as well as information gathered by the Department during the present administrative review. Furthermore, the calculation of the final margins and the "Romania-wide" rate from the investigation was subject to comment from interested parties in the proceeding. See *Final Determination of Sales at Less than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Romania*, 58 FR 37209 (July 9, 1993). Moreover, this rate was used in the immediately preceding administrative review as the "all others" rate and no interested party challenged the reliability of this rate. As discussed further in the Corroboration Memorandum, the Department has received no information to date that warrants revisiting the issue of the reliability of the "all-others" rate calculation itself. Thus, the Department

finds that the margin calculated in the LTFV investigation is reliable.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review*, 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been discredited. See *D&L Supply Co. v. United States*, 113 F. 3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). None of these unusual circumstances are present here. As there is no information on the record of this review that indicates that this rate is not relevant as AFA for Mittal Steel or MEI, we determine that this rate has probative value. Accordingly, we determine that the highest rate determined in any segment of this administrative proceeding (i.e., 75.04 percent) is in accord with section 776(c) of the Act's requirement that secondary information be corroborated (i.e., that it have probative value). For further explanation of the Department's corroboration methodology in this review, see *Corroboration Memorandum*.

#### Final Results of Review

As a result of our review, we determine that the following margin based on AFA exists for the period of August 1, 2003, through July 31, 2004:

Producer	Margin (percentage)
Mittal Steel Galati S.A.	75.04
Metalexportimport S.A.	75.04

#### Assessment

The Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. For Mittal Steel and MEI, we will instruct CBP to liquidate entries at the rate indicated above. The Department will issue appropriate assessment instructions directly to the CBP within

15 days of publication of these final results of review.

#### Cash Deposit Requirements

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain cut-to-length plate from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) for the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise for the most recent period; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 75.04 percent, the "Romania-wide" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 3, 2006.

**David M. Spooner,**  
Assistant Secretary for Import  
Administration.

[FR Doc. E6-1880 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-848]

#### Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On December 29, 2005, the United States Court of International Trade ("Court") sustained the final remand determination made by the Department of Commerce ("the Department") pursuant to the Court's remand of the final results of the administrative review of freshwater crawfish tail meat from the People's Republic of China. See *Crawfish Processors Alliance v. United States*, Consol. Ct. No. 02-00376, Slip Op. 05-166 (Ct. Int'l Trade December 29, 2005) ("CPA Remand III"). This case arises out of the Department's *Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review* 67 FR 19546 (April 22, 2002) ("Final Results"). The final judgment in this case was not in harmony with the Department's April 2002 *Final Results*.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Scot Fullerton or Christopher D. Riker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-1386 or (202) 482-3441, respectively.

**SUPPLEMENTARY INFORMATION:** In *Crawfish Processors Alliance v. United States*, 395 F. Supp. 2d 1330 (CIT 2005), the Court remanded the Department's determination in the final results to collapse Jiangu and Hontex International Trade Co., Ltd. ("Jiangu") and Ningbo Nanlian Frozen Foods Company, Ltd. ("Nanlian") with instructions to either: (1) (a) Explain with specificity how the interactions between Jiangu and Ningbo indicate that one company has control over the other or both, especially how the invoices from Jiangu to Hontex

Enterprises, Inc., d/b/a Louisiana Packing Company created a business relationship with Nanlian during the September 1, 1999, to August 31, 2000, period of review ("99/00 POR"), and (b) explain with specificity how Mr. Wei's contacts with Jiangu and Nanlian demonstrate control of either company on behalf of the other or control over both; and (2) if the Department is unable to provide substantial evidence supporting its collapsing decision, then it is to treat Jiangu and Nanlian as unaffiliated entities and assign separate company specific antidumping duty margins using verified information on the record.

On November 25, 2005, the Department issued the draft results of redetermination pursuant to remand ("draft results") for comment by interested parties. No party filed comments in response to the Department's draft results of redetermination pursuant to remand. On December 9, 2005, the Department issued its final results of redetermination pursuant to remand to the Court. The remand redetermination explained that without the presumption of affiliation between Jiangu and Nanlian from the prior administrative reviews, the invoices and Mr. Wei's contacts between the two companies were insufficient to sustain the determination to collapse the two companies. Therefore, the Department stated that it would treat Jiangu and Nanlian as unaffiliated entities. Accordingly, Nanlian's antidumping duty margin for the 99/00 POR is 62.51 percent. The Department did not initiate a review of Jiangu during the period of review. Thus, the Department did not determine an antidumping duty margin for Jiangu for the 99/00 POR.

On December 29, 2005, the Court found that the Department complied with the Court's remand order and sustained the Department's remand redetermination. See *CPA Remand III*.

#### Timken Notice

In its decision in *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's decision in *CPA Remand III* on December 29, 2005, constitutes a final decision of that court that is not in harmony with the Department's final

results in the 99/00 administrative review of freshwater crawfish tail meat. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, upon a final and conclusive court decision.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: February 3, 2006.

David Spooner,  
Assistant Secretary for Import  
Administration.

[FR Doc. E6-1890 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-848]

#### Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On October 7, 2005, the Department of Commerce ("the Department") published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China ("PRC"). See *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 58672 ("Preliminary Results"). Based on our analysis of the record, including factual information obtained since the preliminary results, we have made changes to the margin calculation for Yancheng Hi-King. Therefore, the final results differ from the preliminary results. See Final Results of Review section, below.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Scot Fullerton or Erin Begnal, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1386 or (202) 482-1442, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On October 7, 2005, the Department published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the PRC. See *Preliminary Results*. The administrative review covers four exporters or producer/exporters: (1) Yancheng Hi-King Agriculture Developing Co., Ltd. ("Yancheng Hi-King"); (2) Yancheng Yaou Seafood Co., Ltd. ("Yancheng Yaou"); (3) China Kingdom International ("China Kingdom"); and (4) Weishan Zhenyu Foodstuff Co., Ltd. ("Weishan Zhenyu"), and exports of the subject merchandise to the United States during the period September 1, 2003, through August 31, 2004.

We invited parties to comment on our *Preliminary Results*, and received a case brief from the Crawfish Processors Alliance ("petitioners"), the Louisiana Department of Agriculture and Forestry, and Bob Odom, Commissioner of Agriculture (collectively, "Domestic Parties"), on November 7, 2005. We also received a rebuttal case brief from Yancheng Hi-King on November 14, 2005. On December 7, 2005, we held a public hearing in this review.

#### Scope of Order

The product covered by this antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs

<sup>1</sup> The Department determined that Yancheng Yaou and Qingdao Zhengri Seafood Co., Ltd. ("Qingdao Zhengri") should be treated as a single entity in the 99/00 administrative review. See *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review*, and *Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546, (April 22, 2002). As the Department was not presented with information sufficient to demonstrate that the companies should no longer be treated as a single entity, consistent with the Department's practice, the Department continued to treat Yancheng Yaou and Qingdao Zhengri as a single entity in subsequent reviews, including the instant review.

and Border Protection ("CBP") in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this order is dispositive.

#### Separate Rates

Yancheng Hi-King, Yancheng Yaou, China Kingdom and Weishan Zhenyu have requested separate, company-specific antidumping duty rates. In our preliminary results, we found that Yancheng Hi-King, China Kingdom, and Weishan Zhenyu had met the criteria for the application of a separate antidumping duty rate. See *Preliminary Results*. Also in the *Preliminary Results*, as Yancheng Yaou withdrew from verification, and filed a letter stating that it would no longer participate in the current administrative review, the Department determined that Yancheng Yaou had not established its eligibility for a separate rate. *Id.* We have not received any information since the *Preliminary Results* with respect to Yancheng Hi-King, Yancheng Yaou, China Kingdom and Weishan Zhenyu which would warrant reconsideration of our separate-rates determinations with respect to these companies.

#### Analysis of Comments Received

All issues raised in the briefs are addressed in the "Issues and Decision Memorandum for the Final Results in the 2003/2004 Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David Spooner, Assistant Secretary for Import Administration," dated February 6, 2006 ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues raised, all of which are in the *Issues and Decision Memorandum*, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum on file in the Central Records Unit ("CRU"), room B-099 of the Herbert H. Hoover Building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

#### Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made

changes to the margin calculation for Yancheng Hi-King. For the final results, we have updated the surrogate value for whole crawfish, based on definitive,

final Spanish import statistics. For a discussion of these changes, see the *Issues and Decision Memorandum* at Comment 3.

#### Final Results of Review

We determine that the following antidumping duty margins exist:

#### FRESHWATER CRAWFISH TAIL MEAT FROM THE PRC

Manufacturer/Exporter	Weighted-Average Margin (Percent)
China Kingdom International .....	223.01
Weishan Zhenyu Foodstuff Co., Ltd. ....	223.01
Yancheng Hi-King Agriculture Developing Co., Ltd. ....	32.57
PRC-wide Rate (including Yancheng Yaou Seafood Co., Ltd.) .....	223.01

For details on the calculation of the antidumping duty margin for Yancheng Hi-King, see "Yancheng Hi-King Analysis Memorandum for the Final Results of Administrative Review on Freshwater Crawfish Tail Meat from the People's Republic of China" (February 6, 2006). A public version of this memorandum is on file in the CRU.

#### Assessment of Antidumping Duties

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this review. For assessment purposes for companies with a calculated rate, where possible, the Department calculated importer-specific assessment rates for freshwater crawfish tail meat from the PRC on a per-unit basis. Specifically, the Department divided the total dumping margins (calculated as the difference between normal value and export price) for each importer by the total quantity of subject merchandise sold to that importer during the POR to calculate a per-unit assessment amount. The Department will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per-kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR.

#### Cash Deposits

The following cash-deposit requirements will be effective upon publication of the final results for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended ("the Act"): (1) For subject merchandise exported by China Kingdom and Weishan Zhenyu, the cash-deposit rate will be equal to 223.01 percent; (2) for subject merchandise exported by

Yancheng Hi-King, we will establish a per-kilogram cash deposit rate which will be equivalent to the company-specific weighted-average margin established in this review; (3) the cash-deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (4) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate (including Yancheng Yaou<sup>2</sup>), the cash-deposit rate will be the PRC-wide rate of 223.01 percent; (5) for all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC producer that supplied that exporter.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice is in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

<sup>2</sup> As Yancheng Yaou withdrew from verification and from the administrative review, the Department will continue to treat Yancheng Yaou and Qingdao Zhengri as a single entity.

Dated: February 3, 2006.

David Spooner,

Assistant Secretary for Import Administration.

#### Appendix I

Comment 1: *Bona Fides* Determination for Yancheng Hi-King

Comment 2: Application of Combination Rate for Yancheng Hi-King

Comment 3: Use of Definitive Spanish Import Data

[FR Doc. E6-1892 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-588-703]

#### Revocation of Antidumping Duty Order: Certain Internal-Combustion Industrial Forklift Trucks from Japan

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the International Trade Commission (ITC), in its sunset review, determined that revocation of the antidumping duty (AD) order on certain internal combustion forklift trucks (forklifts) from Japan would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Internal Combustion Industrial Forklift Trucks from Japan*, 71 FR 5070 (January, 31 2006) (ITC Determination). Therefore, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(1)(iii), the Department is revoking the AD order on forklifts from Japan.

**EFFECTIVE DATE:** June 2, 2005.

**FOR FURTHER INFORMATION CONTACT:** David Layton or David Goldberger, AD/CVD Operations, Office 1, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0371 and (202) 482-0182, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 7, 1988, the Department published its AD order and final amended determination on forklifts from Japan. See *Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value; Certain Internal-Combustion, Industrial Forklift Trucks From Japan*, 53 FR 20882 (June 7, 1988). In the amended final determination the Department found margins ranging from 13.65 - 56.81 percent for the selected respondents and 39.45 percent for "all other" manufacturers/producers/exporters of forklifts from Japan. After an affirmative determination by the ITC in the first sunset review of forklifts from Japan, on June 2, 2000, the Department published the notice of continuation of the order. See *Continuation of Antidumping Duty Orders and Countervailing Duty Order: Internal-Combustion, Industrial Forklift Trucks From Japan*, 65 FR 35323.

On March 1, 2005, the Department initiated, and the ITC instituted, sunset reviews of the AD order on forklifts from Japan. See *Initiation of Five-year (Sunset) Reviews*, 70 FR 9919. As a result of its review, the Department found that revocation of the AD order would likely lead to continuation or recurrence of dumping, and notified the ITC of the dumping rate likely to prevail if the AD order were revoked. See *Internal-Combustion Forklift Trucks from Japan; Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 70 FR 58373 (October 6, 2005).

On January 26, 2006, the ITC determined, pursuant to section 752 of the Act, that revocation of the AD order on forklifts from Japan would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *ITC Determination and USITC Publication 3831 (January 2006)*, entitled *Internal-Combustion Forklift Trucks from Japan. Inv. No. 731-TA-377 (Second Review)*.

**Scope of the Order**

The products covered by this order are certain internal-combustion, industrial forklift trucks, with lifting capacity of 2,000 to 15,000 lbs. Imports of these products were classified under item numbers 692.4025, 692.4030, and

692.4070 of the Tariff Schedules of the United States Annotated (TSUSA) and are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8427.20.00, 8427.90.00, and 8431.20.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description remains dispositive.

The products covered by this order are further described as follows: Assembled, not assembled, and less than complete, finished and not finished, operator-riding forklift trucks powered by gasoline, propane, or diesel fuel internal-combustion engines of off-the-highway types used in factories, warehouses, or transportation terminals for short-distance transport, towing, or handling of articles. Less than complete forklift trucks are defined as imports which include a frame by itself or a frame assembled with one or more component parts. Component parts of the subject forklift trucks which are not assembled with a frame are not covered by this order.

Products not covered by this order are genuinely used forklifts. For the purposes of this antidumping duty order, we consider any forklift to be used if, at the time of entry into the United States, the importer can demonstrate to the satisfaction of the U.S. Customs and Border Protection (CBP) that the forklift was manufactured in a calendar year at least three years prior to the year of entry into the United States. The importer must show documentation from industrial publications that reconcile the serial number and year of manufacture of the forklift. If the calendar year of manufacture is at least three years prior to its year of entry into the United States, it will not be subject to the suspension of liquidation or any assessment of antidumping duties. For example, if a forklift is entered or withdrawn from warehouse, for consumption in June 1988 and if the importer demonstrates through industrial publications that the forklift was manufactured in or before calendar year 1985, that forklift will not be covered by this order.

**Determination**

As a result of the determination by the ITC that revocation of this AD order is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(c) of the Act, is revoking the AD order on forklifts from Japan. Pursuant to section 751(c)(6)(A)(iii) of the Act and 19 CFR 351.222(i)(2)(ii), the effective date of

revocation is June 2, 2005 (i.e., the fifth anniversary of the date of publication in the **Federal Register** of the notice of continuation of the AD order). The Department will notify CBP to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after June 2, 2005, the effective date of revocation of the AD order. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This five-year (sunset) review and notice are in accordance with section 751(d)(2) and published pursuant to section 777(i)(1) of the Act.

Dated: February 3, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-1881 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-560-818, A-533-843, A-570-901]

**Notice of Postponement of Preliminary Determination of Antidumping Duty Investigation: Certain Lined Paper Products from the People's Republic of China, India, and Indonesia**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** For the People's Republic of China, contact Marin Weaver at (202) 482-2336 or Charles Riggle at (202) 482-0650; for India, contact Christopher Hargett at (202) 482-4161; and for Indonesia, contact Natalie Kempky at (202) 482-1698, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**Postponement of Preliminary Determination**

On October 6, 2005, the Department of Commerce ("Department") published the initiation of the antidumping duty investigations of certain lined paper products from India, Indonesia and the People's Republic of China. See *Initiation of Antidumping Duty Investigations: Certain Lined Paper*

*Products from India, Indonesia and the People's Republic of China*, 70 FR 58374 (October 6, 2005). The notice of initiation stated that we would make our preliminary determinations for these antidumping duty investigations no later than 140 days after the date of issuance of the initiation. Currently, the preliminary determinations are due February 16, 2006.

On January 23, 2006, the Association of American School Paper Suppliers, and its individual members ("Petitioner"), made a timely request pursuant to 19 CFR §351.205(e) for a 30-day postponement of the preliminary determinations. Petitioner requested postponement of the preliminary determinations because it will provide the Department additional time to review submitted questionnaire responses and questionnaire responses not yet received by the Department.

Under section 733(c)(1)(A) of the Tariff Act of 1930, as amended ("the Act"), if Petitioner makes a timely request for a postponement of the preliminary determination, the Department may postpone the preliminary determination under subsection (b)(1) until no later than the 190th day after the initiation of the investigation.

Therefore, for reasons identified by petitioner, we are postponing the preliminary determinations under section 733(c)(1)(A) of the Act by 30 days to March 18, 2006. Because March 18, 2006, falls on a Saturday, the preliminary determinations will be due by March 20, 2006, the next business day. Pursuant to 735(a) of the Act, the deadline for the final determinations will continue to be 75 days after the date of the preliminary determinations, or if extended, up to 135 days after the date of publication of the preliminary determinations in the **Federal Register**.

This notice is issued and published pursuant to sections 733(c)(2) of the Act and 19 CFR 351.205(f)(i).

Dated: February 3, 2006.

**David M. Spooner**,  
Assistant Secretary for Import  
Administration.

[FR Doc. E6-1883 Filed 2-9-06; 8:45 am]

Billing Code: 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-449-804]

#### Notice of Final Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bars from Latvia

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On October 7, 2005, the Department published the preliminary results of its third administrative review of the antidumping duty order on steel concrete reinforcing bars (rebar) from Latvia. The review covers one producer of the subject merchandise. The period of review (POR) is September 1, 2003, through August 31, 2004. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the *Final Results of Review* section.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Shane Subler at (202) 482-0189 or Constance Handley at (202) 482-0631; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 7, 2005, the Department published in the **Federal Register** the preliminary results of the third administrative review of the antidumping duty order on rebar from Latvia. See *Notice of Preliminary Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bars from Latvia*, 70 FR 58687 (October 7, 2005) (*Preliminary Results*). We invited parties to comment on the *Preliminary Results*. On November 14, 2005, we received a case brief from the sole respondent, Joint Stock Company Liepajas Metalurgs (LM). We received a rebuttal brief from the Rebar Trade Action Coalition (RTAC) and its individual members, the petitioners in the proceeding, on November 21, 2005. At the request of the respondent, we held a public hearing on December 16, 2005.

##### Scope of the Order

The product covered by this order is all steel concrete reinforcing bars sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7214.20.00, 7228.30.8050,

7222.11.0050, 7222.30.0000, 7228.60.6000, 7228.20.1000, or any other tariff item number. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth bars) and rebar that has been further processed through bending or coating. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

##### Analysis of Comments Received

The issues raised in the briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum* to David M. Spooner, Assistant Secretary for Import Administration, from Stephen J. Claeys, Deputy Assistant Secretary (*Decision Memorandum*), dated February 3, 2006, which is hereby adopted by this notice. A list of the issues addressed in the *Decision Memorandum* is appended to this notice. The *Decision Memorandum* is on file in Room B-099 of the main Department building, and can also be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

##### Changes Since the Preliminary Results

Based on our analysis of comments received, we adjusted the calculation methodology used in the *Preliminary Results*. For the date of sale in the U.S. market, we used the date of final amendment to the contract addendum as the date of sale for all sales. For the home market imputed credit expense calculation, we used interest rates published by the Bank of Latvia for loans to domestic enterprises and households as a surrogate interest rate. For the U.S. imputed credit expense calculation, we used short-term interest rates published by the Federal Reserve for commercial and industrial loans as a surrogate interest rate. These adjustments are discussed in detail in the *Decision Memorandum*.

##### Final Results of Review

As a result of our review, we determine that the following weighted-average margin exists for the period of September 1, 2003, through August 31, 2004:

Producer	Weighted-Average Margin (Percentage)
Joint Stock Company Liepajas Metalurgs	5.24

## Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

## Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of rebar from Latvia entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Tariff Act of 1930, as amended (the Act): (1) for LM, the cash deposit rate will be 5.24 percent; (2) for merchandise exported by producers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the most recent final results in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 17.21 percent, the "All Others" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's

presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 3, 2006.

**David M. Spooner**,  
Assistant Secretary for Import  
Administration.

## APPENDIX

*Comment 1:* Use of Monthly Cost Comparison Periods

*Comment 2:* Date of Sale

*Comment 3:* Home Market Interest Rate for Imputed Credit Expenses

*Comment 4:* U.S. Interest Rate for Imputed Credit Expenses

*Comment 5:* Treatment of Non-Dumped Sales

[FR Doc. E6-1882 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE.

### International Trade Administration

[C-423-806, C-401-804, C-412-815]

#### Cut-to-Length Carbon Steel Plate from Belgium, Sweden, and the United Kingdom; Extension of Time Limits for Preliminary and Final Results of Full Five-year ("Sunset") Reviews of Countervailing Duty Orders

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Martha Douthitt or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5050 or (202) 482-1391, respectively.

#### Background

On November 1, 2005, the Department of Commerce ("the Department")

published in the **Federal Register** the notice of initiation of its sunset reviews of the countervailing duty orders on cut-to-length carbon steel plate ("CTL steel plate") from Belgium, Sweden, and the United Kingdom ("UK"). See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 65884 (November 1, 2005). On November 16, 2005, the domestic interested parties IPSCO Steel Inc., Mittal Steel USA ISG, Inc., Nucor Corporation, Oregon Steel Mills, Inc., the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, and AFL-CIO-CLC ("USW"), submitted letters indicating their intent to participate in the sunset reviews. On November 30, 2005 and December 1, 2005, domestic and respondent interested parties provided substantive responses as required under section 351.218 (d)(3)(i) of the Department's regulations. In all three cases, respondent interested parties (for Belgium, the Government of Belgium, the European Commission, Arcelor S.A., and Duferco Clabecq S.A.; for Sweden, the Government of Sweden, the European Commission, and SSAB Svenskt Stal; for the UK, the Government of the United Kingdom, the European Commission, Niagara LaSalle UK Limited, Spartan UK Ltd., and Corus Group, plc), included, in their substantive responses, arguments regarding the privatization or private-to-private changes in ownership which affected the respondent companies, and the effect of those transactions on previously bestowed subsidies.

On December 21, 2005, the Department determined that the participation of the respondent interested parties was adequate, and that it was appropriate to conduct full sunset reviews. See Memoranda to Steven J. Claeys: *Adequacy Determination; Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from Belgium; Adequacy Determination; Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from Sweden; Adequacy Determination; Sunset Review of the Countervailing Duty Order on Cut-to-Length Carbon Steel Plate from the United Kingdom*, dated December 21, 2005, and on file in the Central Records Unit, Room B 099 of the Department of Commerce building.

#### Extension of Time Limits for Preliminary and Final Results of Reviews

The Tariff Act of 1930, as amended ("the Act"), provides for the completion of a full sunset review within 240 days

of the publication of the initiation notice. See section 751(c)(5)(A) of the Act. The U.S. Department of Commerce, ("the Department") may extend the period of time for issuing the final results of an expedited sunset review if it determines that the review is extraordinarily complicated. This deadline may be extended by 90 days under section 751(c)(5)(B) of the Act if the Department determines that the review is extraordinarily complicated. We determine that these reviews are extraordinarily complicated under subsections 751(c)(5)(C) (i) ("there are a large number of issues"), (ii) ("the issues to be considered are complex") and (v) ("it is a review of a transition order") of the Act. Thus, it is appropriate to extend the final results of review by not more than 90 days. As such, our final results are now due on or before September 27, 2006.

With respect to the preliminary results of these sunset reviews, the Department's regulations, at section 351.218(f)(3), provide that the Department normally will issue its preliminary results in a full sunset review not later than 110 days after the initiation, in these cases, by February 19, 2006. However, due to the reasons cited above, we require additional time to conduct the analysis required for the preliminary results. Therefore, we are extending the deadline for the preliminary results of these full sunset reviews of the countervailing duty orders on cut-to-length carbon steel plate from Belgium, Sweden, and the United Kingdom to no later than July 14, 2006.

This notice is issued in accordance with sections 751(c)(5)(B) and 751(c)(5)(C) of the Act.

Dated: February 6, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E6-1874 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE.

### International Trade Administration

[C-351-818, C-469-804]

#### Cut-to-Length Carbon Steel Plate from Brazil and Spain; Extension of Time Limits for Final Results of Expedited Five-year ("Sunset") Reviews of Countervailing Duty Orders

**AGENCY:** Import Administration, International Trade Administration, U.S. Department of Commerce.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Martha Douthit or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-5050 or 202-482-1391, respectively.

#### Background

On November 1, 2005, the Department of Commerce ("the Department") published in the *Federal Register* the notice of initiation of the sunset reviews of the countervailing duty orders on cut-to-length carbon steel plate ("CTL steel plate") from Brazil and Spain. See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 65884 (November 1, 2005). Based on adequate responses from the domestic interested parties and inadequate responses from respondent interested parties, the Department is conducting expedited sunset reviews of these countervailing duty orders.

#### Extension of Time Limit for Final Results of Reviews

In accordance with section 751(c)(5)(B) of the Tariff Act of 1930, as amended ("the Act"), the U.S. Department of Commerce, ("the Department") may extend the period of time for issuing the final results of an expedited sunset review if it determines that the review is extraordinarily complicated. As set forth in subsection 751(c)(5)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order, as is the case in these proceedings. A transition order is defined as including countervailing duty orders which were in effect on January 1, 1995, the date on which the WTO Agreement's provisions on sunset reviews went into effect. Transition orders are treated as issued on January 1, 1995. See section 751(c)(6)(D) of the Act. The countervailing duty orders on CTL steel plate from Brazil and Spain were issued prior to January 1, 1995; as such they are deemed transition orders for purposes of the sunset proceeding.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department has determined that the sunset reviews of the countervailing duty orders on CTL steel plate from Brazil and Spain require additional time for the Department to complete its analysis. The Department's final results of these sunset reviews were scheduled for completion on March 1, 2006. The Department will extend the deadlines in these proceedings by 90 days and, as a result, issue the final results of these

expedited sunset reviews no later than May 30, 2006.

This notice is issued in accordance with sections 751(c)(5)(B) and 751(c)(5)(C)(v) of the Act.

Dated: February 6, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E6-1879 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011106H]

#### Endangered Species; File No. 1544

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Patricia Bargo, East Coast Observers, Inc., P.O. Box 6192, Norfolk, Virginia 23508 has been issued a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), Kemp's ridley (*Lepidochelys kempii*), and leatherback (*Dermodochelys coriacea*) sea turtles, and shortnose sturgeon (*Acipenser brevirostrum*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371;

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Amy Hapeman, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On August 26, 2005, notice was published in the *Federal Register* (70 FR 50302) that a request for a scientific research permit to take loggerhead, green, Kemp's ridley, hawksbill, and leatherback sea turtles and shortnose sturgeon had been submitted by the above-named individual. The requested permit has been issued under the authority of the



Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

East Coast Observers, Inc. will conduct sea turtle abundance and relocation trawls in conjunction with U.S. Army Corps of Engineers (Corps) dredging projects in waters of the Atlantic coast. Up to 350 loggerhead, 150 green, 150 Kemp's ridley, 10 hawksbill, and 10 leatherback sea turtles, and 10 shortnose sturgeon will be captured. Collected sea turtles will be handled, measured, flipper and passive integrated transponder (PIT) tagged, temporarily marked with a non-toxic marker, and released at a relocation site approximately three to five miles away from the dredge project. A single tissue sample may be taken from each individual turtle for genetic analysis. Collected shortnose sturgeon will be captured, handled have a barbel clip taken, and relocated to a safe area. The permit authorizes a total of up to 5 sea turtle (loggerhead, green, Kemp's ridley, and hawksbill in combination) incidental mortalities over the course of the permit. The permit is issued for five years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of any endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 6, 2006.

**Stephen L. Leathery,**

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–1889 Filed 2–9–06; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011106C]

#### Endangered Species; File No. 1540

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that the South Carolina Department of Natural Resources, Marine Resources Division, P.O. Box 12559, Charleston, S.C. 29422–2559, has been issued a

permit to take loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Southeast Regional Office, Office of Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727) 824–5312; fax (727)824–5309.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Kate Swails, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** On August 15, 2005, notice was published in the *Federal Register* (70 FR 47813) that a request for a scientific research permit to take loggerhead, Kemp's ridley, green, leatherback, and hawksbill sea turtles had been submitted by the applicant. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Researchers will capture up to 146 loggerhead (*Caretta caretta*), 48 Kemp's ridley (*Lepidochelys kempii*), 15 green (*Chelonia mydas*), 1 leatherback (*Dermochelys coriacea*), and 3 hawksbill (*Eretmochelys imbricata*), during the first year of the permit's five-year period. The permit authorizes research on up to 346 loggerhead, 48 Kemp's ridley, 15 green, 1 leatherback, and 3 hawksbill, sea turtles annually for the remaining four-years. Turtles will be captured by trawls, handled, blood sampled, measured, flipper and PIT tagged, photographed, and released. A subsample of animals will have barnacles and keratin removed from their shell, have cloacal samples taken, have laparoscopic and ultrasound exams, and have satellite transmitters attached. Up to 7 loggerhead and 1 leatherback may potentially be taken as accidental mortalities over the course of the entire permit. Additionally, up to 5 Kemp's ridley, green, or hawksbill sea turtles (combined total but no more than two of any given species) may potentially be taken as accidental mortalities over the course of the entire

permit. The research will document size distributions, sex ratios, genetic contributions, and the health of sea turtles in coastal waters in the southeastern U.S. The research will take place in the waters from Winyah Bay, South Carolina to Cape Canaveral, Florida. The permit is issued for 5 years.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of any endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 6, 2006.

**Stephen L. Leathery,**

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E6–1893 Filed 2–9–06; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

#### Renewal of the Department of Defense Historical Advisory Committee

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense Historical Advisory Committee was renewed, effective January 23, 2006, in consonance with the public interest, and in accordance with the provisions of the "Federal Advisory Committee Act."

The Committee shall provide the Secretary of Defense and the Secretaries of the Military Departments independent advice and recommendations on matters regarding the professional standards; historical methodology, program priorities, liaison with professional groups and institutions, and adequacy of resources of the various historical programs and associated activities of the Department of Defense.

The DoD Historical Advisory Committee will continue to be well balanced in terms of the interest groups represented and functions to be performed. The members include distinguished representatives from academia, current U.S. Government and private sector historians, authors and librarians, and retired general officers of general/flag rank.

**FOR FURTHER INFORMATION CONTACT:** Contact Dr. Stuart Rochester, Deputy Historian, OSD Historical Office, 703–588–7876.

Dated: February 6, 2006.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. 06-1233 Filed 2-9-06; 8:45 am]

BILLING CODE 5001-06-M

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0147]

#### Federal Acquisition Regulation; Information Collection; Pollution Prevention and Right-to-Know Information

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0147).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning pollution prevention and right-to-know information. This OMB clearance expires on June 30, 2006.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before April 11, 2006.

**ADDRESSES:** Submit comments, including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT** Ms. Kimberly Marshall, Contract Policy Division, GSA, (202) 208-0986.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

Executive Order 12856 of August 3, 1993, "Federal Compliance With Right-to-Know Laws and Pollution Prevention Requirements," requires that Federal facilities comply with the planning and reporting requirements of the Pollution Prevention Act of 1990 and the Emergency Planning Community Right-to-Know Act of 1986. The executive order requires that contracts to be performed on a Federal facility provide for the contractor to supply to the Federal agency all information the Federal agency deems necessary to comply with these reporting requirements.

##### B. Annual Reporting Burden

*Number of Respondents:* 14,500.

*Responses Per Respondent:* .921.

*Annual Responses:* 13,350.

*Average Burden Per Response:* .786.

*Total Burden Hours:* 10,500.

##### OBTAINING COPIES OF

**PROPOSALS:** Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control Number 9000-0147, Pollution Prevention and Right-to-Know Information, in all correspondence.

Dated: February 6, 2006.

**Gerald Zaffos,**

*Director, Contract Policy Division.*

[FR Doc. 06-1235 Filed 2-9-06; 8:45 am]

BILLING CODE 6820-EP-S

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### DoD Medicare-Eligible Retiree Health Care Board of Actuaries

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting.

**SUMMARY:** A meeting of the Board has been scheduled to execute the provisions of Chapter 56, Title 10, United States Code (10 U.S.C. 1114 *et seq.*). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of benefits under DoD retiree health care programs for Medicare-eligible beneficiaries. Persons desiring to attend DoD Medicare-Eligible Retiree Health Care Board of Actuaries meeting, or make an oral presentation or submit a written

statement for consideration at the meeting, must notify Margot Kaplan at 703-696-7404 by May 10, 2006. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATES:** June 15, 2006, 1:30 p.m.-5 p.m.

**ADDRESSES:** 4040 N. Fairfax Drive, Suite 270, Arlington, VA 22203.

#### FOR FURTHER INFORMATION CONTACT:

Margot Kaplan, DoD Office of the Actuary, 4040 N. Fairfax Drive, Suite 308, Arlington, VA 22203, (703) 696-7404.

Dated: February 6, 2006.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison  
Officer, DoD.*

[FR Doc. 06-1232 Filed 2-9-06; 8:45 am]

BILLING CODE 5001-06-M

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) public hearing and meeting described below. The Board will conduct a public hearing and meeting pursuant to 42 U.S.C. 2286b and invites any interested persons or groups to present any comments, technical information, or data concerning safety issues related to the matters to be considered.

**TIME AND DATE OF MEETING:** 6 p.m., March 22, 2006.

**PLACE:** Duane W. Smith Auditorium, 1400 Diamond Drive, Los Alamos, New Mexico 87544. Additionally, as a part of the Board's E-Government initiative, the hearing and meeting will be videotaped. A link to the videotape will be available on the Board's Web site (<http://www.dnfsb.gov>) following the hearing and meeting.

**STATUS:** Open. While the Government in the Sunshine Act does not require that the scheduled hearing be conducted in a meeting, the Board has determined that an open meeting in this specific case furthers the public interests underlying both the Sunshine Act and the Board's enabling legislation.

**MATTERS TO BE CONSIDERED:** In this public hearing and meeting, the Board will examine the National Nuclear Security Administration's (NNSA) plans and actions to follow through with improvements in safety management that were identified prior to and during the suspension and resumption of operations at Department of Energy

(DOE) defense nuclear facilities at Los Alamos National Laboratory (LANL). The Board anticipates testimony from the incumbent management and operation (M&O) contractor for LANL, the University of California, as well as from the contractor group, Los Alamos National Security, LLC (LANS), which was recently selected to assume the M&O contractor function in June 2006. Under the Atomic Energy Act of 1954, as amended, the Board is required, among other things, to review and evaluate the content and implementation of standards relating to the design, construction, operation, and decommissioning of DOE defense nuclear facilities, including all applicable DOE orders, regulations, and requirements pertaining to such facilities. The Board is also required to investigate any event or practice at DOE defense nuclear facilities which the Board determines has adversely affected, or may adversely affect, the health and safety of the workers and the public. In this March 22nd hearing and meeting, the Board will examine how NNSA and LANS will ensure adequate protection of the public health and safety, including that of the workers, and safety performance at LANL defense nuclear facilities. The Board will further explore health and safety-related corrective actions by NNSA and the incumbent and newly selected M&O contractors as those actions are implemented during and after the new M&O contract transition period. The Board will collect information needed to understand and address any health or safety concerns that may require Board action with respect to operations at LANL defense nuclear facilities. This will include, but is not limited to, presentations from NNSA and M&O contractor senior management officials and NNSA Los Alamos Site Office personnel. The public hearing portion of this proceeding is authorized by 42 U.S.C. 2286b.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004-2901, (800) 788-4016. This is a toll-free number.

**SUPPLEMENTARY INFORMATION:** Requests to speak at the hearing and meeting may be submitted in writing or by telephone. The Board asks that commentators describe the nature and scope of their oral presentation. Those who contact the Board prior to close of business on March 21, 2006, will be scheduled for time slots, beginning at approximately 8:30 p.m. on the evening of the hearing and meeting. The Board will post a

schedule for those speakers who have contacted the Board before the hearing. The posting will be made at the entrance to the Duane W. Smith Auditorium at the start of the 6 p.m. hearing and meeting.

Anyone who wishes to comment or provide technical information or data may do so in writing, either in lieu of, or in addition to, making an oral presentation. The Board Members may question presenters to the extent deemed appropriate. Documents will be accepted at the hearing and meeting or may be sent to the Defense Nuclear Facilities Safety Board's Washington, DC, office. The Board will hold the record open until April 22, 2006, for the receipt of additional materials. A transcript of the hearing and meeting will be made available by the Board for inspection by the public at the Defense Nuclear Facilities Safety Board's Washington office and at DOE's public reading room at the DOE Federal Building, 1000 Independence Avenue, SW, Washington, DC 20585. The Board specifically reserves its right to further schedule and otherwise regulate the course of the hearing and meeting, to recess, reconvene, postpone, or adjourn the hearing and meeting, conduct further reviews, and otherwise exercise its powers under the Atomic Energy Act of 1954, as amended.

Dated: February 8, 2006.

A.J. Eggenberger,  
Chairman.

[FR Doc. 06-1304 Filed 2-8-06; 12:25 pm]

BILLING CODE 3670-01-P

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.  
**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 13, 2006.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 6, 2006.

Angela C. Arrington,  
IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer.

### Office of Special Education and Rehabilitative Services

*Type of Review:* Revision.

*Title:* Annual Program Cost Report.

*Frequency:* Annually.

*Affected Public:*

State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 80.

*Burden Hours:* 385.

*Abstract:* Vocational Rehabilitation Services data submitted on the RSA-2 by State VR agencies for each FY used by RSA to administer and manage the Title I Program; to analyze expenditures, evaluate program performance and identify problem areas.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2918. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department

of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to *IC DocketMgr@ed.gov* or faxed to 202-245-6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to the e-mail address *IC DocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E6-1829 Filed 2-9-06; 8:45 am]  
BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-201-000]

#### Cotton Valley Compression, LLC; Notice of Proposed Changes in FERC Gas Tariff

February 3, 2006.

Take notice that on January 31, 2006, Cotton Valley Compression, LLC (Cotton Valley), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective March 3, 2006:

Third Revised Sheet No. 2;  
Third Revised Sheet No. 4.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>.

Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6-1852 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-195-000]

#### East Tennessee Natural Gas, LLC; Notice of Proposed Changes in FERC Gas Tariff

February 3, 2006.

Take notice that on February 1, 2006, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective March 3, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,

Secretary.

[FR Doc. E6-1861 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP06-57-000]

#### El Paso Natural Gas Company; Notice of Application

February 3, 2006.

Take notice that on February 1, 2006, El Paso Natural Gas Company (EPNG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP06-57-000, an application pursuant to section 7(c) of the Natural Gas Act (NGA), for a certificate of public convenience and necessity authorizing EPNG to acquire, own, and operate approximately 36.72-miles of 24-inch lateral pipeline facilities, with appurtenances, located in Pinal and Maricopa Counties, Arizona from the Salt River Project Agricultural Improvement and Power District (SRP), all as more fully set forth in the request which is on file with Commission and open to public inspection.

Any questions regarding this application should be directed to Richard Derryberry, Director, Regulatory Affairs, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs, Colorado, 80944 at (719) 520-3782 or by fax at (719) 667-7534 or Craig V. Richardson, Vice President and General Counsel, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs,

Colorado, 80944 at (719) 520-4829 or by fax at (719) 520-4848.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* February 17, 2006.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-1867 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-200-000]

#### Entrega Gas Pipeline, LLC; Notice of Tariff Filing

February 3, 2006.

Take notice that on January 31, 2006, Entrega Gas Pipeline, LLC (Entrega) tendered for filing as part its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to be effective February 1, 2006:

Original Sheet No. 22;  
Original Sheet No. 23;  
Sheet Nos. 24-29.

Entrega states that the tendered tariff sheets propose to revise Entrega's Tariff to reflect a negotiated-rate contract.

Entrega stated that a copy of this filing has been served upon all parties to this proceeding, Entrega's customers, the Colorado Public Utilities Commission and the Wyoming Public Service Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the

"eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-1866 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER05-6-001, *et al.*; Docket No. EL04-135-003, *et al.*; Docket No. EL02-111-020, *et al.*; Docket Nos. EL03-212-017, *et al.*]

#### Midwest Independent Transmission System Operator, Inc.; PJM Interconnection, LLC, *et al.*; Ameren Services Company, *et al.*; Notice of Determination by the Chairman

February 3, 2006.

Take notice that Joseph Kelliher, acting as Motions Commissioner, pursuant to Rule 715 of the Commission's Rules of Practice and Procedure, has determined that Green Mountain Energy Company has failed to demonstrate extraordinary circumstances in accordance with Rule 715(c)(5) of the Commission's Rules of Practice and Procedure that would make prompt Commission review of the contested rulings necessary to prevent detriment to the public interest or irreparable harm to any person. Accordingly, the Chairman will not refer to the full Commission the January 27, 2006 interlocutory appeal filed by Green Mountain Energy Company.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-1853 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP06-196-000]

**National Fuel Gas Supply Corporation; Notice of Tariff Filing**

February 3, 2006.

Take notice that on January 31, 2006, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Eighty Sixth Revised Sheet No. 9, to become effective February 1, 2006.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1862 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP06-198-000]

**Saltville Gas Storage Company LLC; Notice of Tariff Filing**

February 3, 2006.

Take notice that on February 1, 2006, Saltville Gas Storage Company LLC (Saltville) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the tariff sheets listed in Appendix A of the filing, to be effective March 3, 2006.

Saltville states that copies of its filing have been served on all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC.

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Magalie R. Salas,  
Secretary.

[FR Doc. E6-1864 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. RP01-205-012]

**Southern Natural Gas Company; Notice of Negotiated Rate**

February 3, 2006.

Take notice that on January 31, 2006, Southern Natural Gas Company tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, to become effective November 1, 2005:

Ninth Revised Sheet No. 23  
Fifth Revised Sheet No. 23A  
Fourth Revised Sheet No. 23B

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1858 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-176-000]

#### Texas Gas Transmission, LLC; Notice of Annual Cash-Out Report

February 3, 2006.

Take notice that on January 20, 2006, Texas Gas Transmission, LLC (Texas Gas) tendered for filing a report, which compares its cash-out revenues with its cash-out costs incurred for the annual billing period November 1, 2004, through October 31, 2005, in accordance with its tariff. Texas Gas states that there is no rate impact to customers as a result of this filing.

Texas Gas states that copies of this filing have been served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and

interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. eastern time on February 10, 2006.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1859 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-191-000]

#### TransColorado Gas Transmission Company; Notice of Tariff Filing

February 3, 2006.

Take notice that on January 27, 2006, TransColorado Gas Transmission Company (TransColorado) tendered for as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to be effective February 1, 2006:

First Revised Sheet No. 247B.02  
Original Sheet No. 247B.03

TransColorado states that a copy of this filing has been served upon TransColorado's customers and affected state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the

Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1860 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-197-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 3, 2006.

Take notice that on January 31, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective March 1, 2006:

Forty-Second Revised Sheet No. 27  
Fifty-Seventh Revised Sheet No. 28A  
Thirty-Sixth Revised Sheet No. 28C

Transco states that copies of the filing are being mailed to its affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and

Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1863 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP06-199-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 3, 2006.

Take notice that on January 31, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Thirty-Third Revised Sheet No. 28, to become effective February 1, 2006.

Transco states that copies of the filing are being mailed to affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1865 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER06-267-000; OA06-1-000; TS06-4-000]

#### Wolverine Creek Goshen Interconnection, LLC and Wolverine Creek Energy, LLC; Notice of Issuance of Order

February 3, 2006.

Wolverine Creek Goshen Interconnection, LLC (WCGI) and Wolverine Creek Energy, LLC (Wolverine Creek) filed a Common Facilities Agreement between WCGI and its owners Wolverine Creek, Ridgeline Airticity Energy LLC and Goshen Phase II LLC. WCGI also requested waiver of various Commission regulations. In particular, WCGI requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by WCGI.

On January 13, 2006, as amended on January 27, 2006, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, granted the request for blanket approval under Part 34. The Director's order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests.

Accordingly, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by WCGI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is February 13, 2006.

Absent a request to be heard in opposition by the deadline above, WCGI is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of WCGI, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

Docket Nos. ER06-267-000, OA06-1-000 and TS06-4-000

The Commission reserves the right to require a further showing that neither public nor private interests will be



adversely affected by continued approval of WCGI's issuances of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E6-1854 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

February 3, 2006.

Take notice that the Commission received the following electric rate filings:

- Docket Numbers:** ER00-1828-004.  
**Applicants:** ANP Marketing Company.  
**Description:** ANP Marketing Co. submits an amendment to its FERC Electric Rate Schedule No. 1.  
**Filed Date:** 01/27/2006.  
**Accession Number:** 20060201-0124.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.
- Docket Numbers:** ER00-2117-004.  
**Applicants:** ANP Bellingham Energy Company, LLC.  
**Description:** ANP Bellingham Energy Co., LLC submits an amendment to its FERC Electric Rate Schedule No. 1.  
**Filed Date:** 01/27/2006.  
**Accession Number:** 20060202-0113.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.
- Docket Numbers:** ER00-2118-004.  
**Applicants:** ANP Blackstone Energy Company, LLC.  
**Description:** ANP Blackstone Energy Co., LLC submits an amendment to its FERC Electric Rate Schedule No. 1.  
**Filed Date:** 01/27/2006.  
**Accession Number:** 20060202-0114.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.
- Docket Numbers:** ER00-3751-004.  
**Applicants:** ANP Funding I, L.L.C.

**Description:** ANP Funding I, LLC submits an amendment to its FERC Electric Rate Schedule No. 1.

**Filed Date:** 01/27/2006.  
**Accession Number:** 20060202-0006.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER03-879-003; ER03-880-003; ER03-882-003.  
**Applicants:** D.E. Shaw Plasma Trading, L.L.C.; D.E. Shaw & Co. Energy, L.L.C.; D.E. Shaw Plasma Power, L.L.C.

**Description:** DE Shaw Plasma Power, LLC et al. submit a notice of a change in status.  
**Filed Date:** 01/25/2006.  
**Accession Number:** 20060201-0125.  
**Comment Date:** 5 p.m. eastern time on Wednesday, February 15, 2006.

**Docket Numbers:** ER06-318-002.  
**Applicants:** North American Energy Credit and Clearing.

**Description:** North American Energy Credit and Clearing—Contract Merchant, LLC submits corrections to FERC Electric Tariff, Original Volume No. 1 filed 1/10/06.  
**Filed Date:** 01/27/2006.

**Accession Number:** 20060203-0414.  
**Comment Date:** 5 p.m. eastern time on Friday, February 10, 2006.

**Docket Numbers:** ER06-429-001.  
**Applicants:** Florida Power Corporation.

**Description:** Florida Power Corp. submits Substitute First Revised Sheet No. 436 et al. to FERC Electric Tariff, Second Revised Volume No. 6.  
**Filed Date:** 01/27/2006.  
**Accession Number:** 20060202-0158.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER06-430-001.  
**Applicants:** Progress Energy Services Company, LLC.

**Description:** Progress Energy Services Company, LLC, on behalf of Florida Power Corp. submits Substitute First Revised Sheet 436 et al. to FERC Electric Tariff, Second Revised Volume No. 3.

**Filed Date:** 01/27/2006.  
**Accession Number:** 20060202-0159.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER06-502-001.  
**Applicants:** Aquila, Inc.  
**Description:** Aquila Inc. submits an errata to its 1/18/06 compliance filing.  
**Filed Date:** 01/25/2006.

**Accession Number:** 20060201-0121.  
**Comment Date:** 5 p.m. eastern time on Wednesday, February 15, 2006.

**Docket Numbers:** ER06-556-000.  
**Applicants:** New England Power Company.

**Description:** New England Power Co. submits a Fifth Revised Service

Agreement No. 20 with Massachusetts Electric Co. et al. under FERC Electric Tariff, Original Volume No. 1.

**Filed Date:** 01/27/2006.  
**Accession Number:** 20060201-0150.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER06-557-000.  
**Applicants:** EL Paso Electric Company.

**Description:** El Paso Electric Co. submits a Power Purchase and Sale Agreement with Phelps Dodge Energy Services, LLC and Certificate of Concurrence filed 01/31/06.  
**Filed Date:** 01/27/2006.

**Accession Number:** 20060131-0030.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER93-493-016.  
**Applicants:** Milford Power Limited Partnership.

**Description:** Milford Power Limited Partners submits amendment to its FERC Electric Tariff No. 1.

**Filed Date:** 01/27/2006.  
**Accession Number:** 20060201-0120.  
**Comment Date:** 5 p.m. eastern time on Friday, February 17, 2006.

**Docket Numbers:** ER99-4503-004.  
**Applicants:** PP&L Great Works LLC.  
**Description:** PPL Great Works, LLC submits second triennial market power update.

**Filed Date:** 01/24/2006.  
**Accession Number:** 20060201-0123.  
**Comment Date:** 5 p.m. eastern time on Tuesday, February 14, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be

listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1849 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER98-4643-004, et al.]

#### Storm Lake Power Partners I, LLC, et al.; Electric Rate and Corporate Filings

February 3, 2006.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

#### 1. Storm Lake Power Partners I, LLC; DeGreeffpa, LLC; Bendwind, LLC; Sierra Wind, LLC; Groen Wind, LLC; Larswind, LLC; TAIR Windfarm, LLC; Hillcrest Wind, LLC

[Docket Nos. ER98-4643-004; ER06-215-001; ER06-220-001; ER06-221-001; ER06-222-001; ER06-223-001; ER06-224-001; ER06-225-001]s

Take notice that on January 26, 2006, DeGreeffpa, LLC; Bendwind LLC; Sierra Wind, LLC; Groen Wind, LLC; Larswind, LLC; TAIR Windfarm, LLC; Hillcrest Wind, LLC and Storm Lake Power Partners I, LLC (collectively, Edison Entities), each of which is an indirect subsidiary of Edison International, tendered for filing in compliance with reporting requirements

in Order No. 652, its indirect affiliation with the San Juan Mesa Wind Project, LLC and Storm Lake's recent indirect affiliation with the East Ridge Projects.

*Comment Date:* 5 p.m. eastern time on February 16, 2006.

#### 2. California Independent System Operator Corporation; Pacific Gas and Electric Company

[Docket Nos. ER04-115-006; EL04-47-006; ER04-242-005; EL04-50-004]

Take notice that on January 27, 2006, the California Independent System Operator, pursuant to Commission's Order issued on February 2, 2005, is filing its refund report.

*Comment Date:* 5 p.m. eastern time on February 17, 2006.

#### 3. American Electric Power Service Corporation

[Docket No. ER06-533-000]

Take notice that on January 24, 2006, American Electric Power Service Corporation, as agent for Kentucky Power Company (KPCo) tendered for filing an interconnection and local delivery service agreement between KPCo and the city of Olive Hill, Kentucky.

*Comment Date:* 5 p.m. eastern time on February 14, 2006.

#### New England Power Company

[Docket No. ER06-555-000]

Take notice that on January 27, 2006, New England Power Company (NEP) tendered for filing a Fourth Revised Service Agreement No. 6 between NEP and its affiliate, Granite State Electric Company.

*Comment Date:* 5 p.m. eastern time on February 17, 2006.

#### Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1850 Filed 2-9-06; 8:45 am]  
BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF06-12-000]

#### Equitrans, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Big Sandy Pipeline Project, Request for Comments on Environmental Issues and Notice of Site Visit

February 3, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Equitrans, LP's (Equitrans) planned Big Sandy Pipeline Project located in Floyd, Johnson, Lawrence, and Carter County, Kentucky.

This notice announces the opening of the scoping process we will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on March 24, 2006.

This notice is being sent to affected landowners; federal, state, and local government representatives and agencies; environmental and public interest groups; Native American tribes; other interested parties in this proceeding; and local libraries and newspapers. We encourage government representatives to notify their constituents of this planned project and

encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility on My Land? What Do I Need to Know?" is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the FERC's proceedings.

#### Summary of the Proposed Project

The project would consist of construction of about 60 miles of 20-inch-diameter pipeline. The pipeline would originate at the discharge of the existing Kentucky Hydrocarbon plant in Langley, Kentucky and terminate at Tennessee Gas Pipeline Company's Broad Run Lateral in Carter County, Kentucky. Equitrans would also construct one new 5,000 horsepower compressor station on the south end of the line. One pig launcher, one pig receiver, eight mainline valves, and one new metering and regulating station would also be constructed along the pipeline. Location maps depicting Equitrans' proposed facilities are provided in Appendix 1.<sup>1</sup>

Equitrans indicates that these facilities are needed to provide much needed relief for the summer capacity constraints that are currently restricting gas production in the eastern Kentucky basin.

Equitrans anticipates filing an application with the FERC in June 2006. If approved, Equitrans would seek approval to begin construction by September 2006, with a proposed in-service date of April 1, 2007.

<sup>1</sup> The appendices referenced in this notice are not being printed in the *Federal Register*. Copies are available on the Commission's website (excluding maps) at the "eLibrary" link or from the Commission's Public Reference Room or call (202) 502-8371. For instructions on connecting to eLibrary refer to the end of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

#### Land Requirements

Construction of the project facilities would disturb about 912 acres of land. Following construction, about 550 acres of the total would be retained for the operation of the pipeline and the aboveground facilities (compressor and meter stations). Equitrans currently proposes to use a nominal 100-foot-wide right-of-way (ROW) to construct its pipeline, with occasional increases in width for additional workspace at waterbody, wetland, road, and railroad crossings. Temporary extra workspaces may also be required in areas with site-specific constraints, such as side-slope construction. Other temporary land requirements would include areas needed for pipe storage and equipment yards. For operation of the pipeline facilities, Equitrans proposes a 50-foot-wide permanent ROW.

#### Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and information provided by Equitrans. This list of issues may be changed based on your comments and our analysis:

- The effect of blasting on groundwater;
- Difficult ROW restoration in areas of side slope construction; and
- Impact on visual resources due to vegetation clearing to create a new ROW.

#### The EA Process

The FERC will be the lead federal agency for the preparation of the EA. The document will satisfy the requirements of the National Environmental Policy Act (NEPA). The Big Sandy Pipeline Project is in the preliminary design state.

For this project, the FERC staff has initiated its National Environmental Policy Act (NEPA) review prior to receiving the application. The purpose of the Commission's Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC. A docket number (PF06-12-000) has been established to place information filed by Equitrans, and related documents issued by the Commission, into the public record. Once a formal application is filed with the FERC, a new docket number will be established.

NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a

Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues that should be addressed in the EA. We will consider all comments received during scoping in the preparation of the EA.

Our independent analysis and evaluation of the issues will be included in the EA. The EA will also include possible alternatives to the proposed project or portions of the project, and we will make recommendations on how to lessen or avoid impacts on the various resource areas of concern. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; elected officials; environmental and public interest groups; other interested parties; affected landowners; Native American tribes; libraries, and newspapers; and the Commission's official service list for this proceeding. A 49-day comment period will be allotted for review of the EA. We will consider all comments submitted on the EA in any Commission Order that is issued for the project.

We are currently involved in discussions with other jurisdictional agencies to identify their issues and concerns. These agencies include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Kentucky Department of Environmental Protection—Division of Water, Kentucky Department of Fish and Wildlife, Kentucky Department of Natural Resources, Kentucky State Nature Preserve Commission, Kentucky Heritage Council, and the Eastern Band of Cherokee Indians. By this notice, we are asking these and other federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposals. Your comments should focus on the potential environmental effects, reasonable alternatives and measures to avoid or lessen environmental impact. The more specific your comments, the

more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of Gas Branch 1, DG2E;
- Reference Docket No. PF06-12-000 on the original and both copies; and
- Mail your comments so that they will be received in Washington, DC on or before March 24, 2006.

Please note that the Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at <http://www.ferc.gov> under the "eFiling" link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Login to File" and then "New User Account." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

When Equitrans submits its application for authorization to construct and operate the Big Sandy Pipeline Project, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-Filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

#### Site Visit

On February 22 and 23, 2006, the OEP staff will conduct a pre-certification site visit of the planned Big Sandy Pipeline Project.

We will view the proposed route and variations that are being considered for the planned pipeline. Staff will view the area by helicopter on February 22, 2006, and by automobile and on foot on February 23, 2006. Representatives of Equitrans will be accompanying the OEP staff.

All interested parties may attend the site visit on February 23, 2006. Those planning to attend must provide their own transportation. If you are interested in attending the site visit, please meet us at 8 a.m. in the parking lot of the Paintsville Ramada Inn, 624 James Trimble Blvd, Paintsville, Kentucky.

For additional information, please contact the Commission's Office of External Affairs at 1-866-208-FERC (3372).

#### Equitrans Sponsored Open Houses

You may have also been notified by Equitrans that it plans on holding two public open houses designed to provide opportunities to explain the project to stakeholders. OEP staff will be attending these events and will be available to answer questions about the NEPA process. FERC staff may utilize these open houses to determine the amount of stakeholder interest in the project to identify if a FERC sponsored public scoping meeting would be necessary in the project area at a later date. The location and dates for Equitrans' open houses are as follows:

February 22, 2006 at 6:30 p.m. (EST);  
Paintsville Ramada Inn, 624 James Trimble Blvd., Paintsville, Kentucky.

February 23, 2006 at 6:30 p.m. (EST);  
Louisa Community Center, 101 West Pike St., Louisa, Kentucky.

#### Environmental Mailing List

The determination of whether to distribute the EA for public comment will be based on the response to this notice. If you are interested in receiving it, please return the Information Request (Appendix 2).

#### Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1-866-208 FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" (i.e., PF06-12-000), and follow the instructions. Searches may also be done using the phrase "Big Sandy Pipeline" in the "Text Search" field. For assistance with access to eLibrary, the helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the

documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

You can also contact David J. Spigelmyer, Equitrans Representative, by phone at (412) 553-5739 or by e-mail at [dspigelmyer@eqt.com](mailto:dspigelmyer@eqt.com) with your specific concerns or comments regarding this project.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1856 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

[Docket No. PF06-10-000]

#### Cameron LNG L.L.C.; Notice of Intent to Prepare an Environmental Assessment for the Proposed Terminal Expansion Project and Request for Comments on Environmental Issues

February 3, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Cameron LNG L.L.C.'s (Cameron) proposed Terminal Expansion Project involving construction and operation of facilities in Cameron Parish, Louisiana. This EA will be used by the Commission in its decision-making process to determine whether to authorize the project.

This notice announces the opening of the scoping process that the Commission will use to gather environmental input from the public and interested agencies on the Terminal Expansion Project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on March 6, 2006. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this planned

project and encourage them to comment on their areas of concern.

With this notice, we<sup>1</sup> are asking other federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

A fact sheet prepared by the FERC entitled "A Guide to LNG—What All Citizens Should Know," is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including what is LNG and how it is transported.

### Summary of the Proposed Project

Cameron proposes to expand its previously authorized Hackberry LNG Project in Cameron Parish, Louisiana (see map in Appendix A<sup>2</sup>). The expansion would consist of adding one LNG storage tank with a net working capacity of 160,000 cubic meters.

Specifically, Cameron seeks authority to construct and operate the following facilities:

- Two 16-inch-diameter unloading arms;
- One full-containment LNG storage tank with a net working capacity of 160,000 cubic meters;
- Two vapor return blowers;
- One boil off gas compressor;
- Six LNG send out pumps;
- One fuel gas heat exchanger;
- One air compressor, instrument air drier, and air surge vessel;
- Temporary dock facilities;
- Eight submerged combustion vaporizers; and
- Two shell-and-tube superheaters.

### Land Requirements

It is estimated that the construction of the Terminal Expansion Project would disturb about 15 acres of land. This land is already leased by Cameron and adjacent to the proposed Hackberry LNG Terminal.

### The EA Process

The FERC will be the lead federal agency for the preparation of the EA. The document will satisfy the requirements of the National Environmental Policy Act (NEPA).

<sup>1</sup> "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects.

<sup>2</sup> The appendix referenced in this notice is not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, at (202) 502-8371. For instructions on connecting to eLibrary refer to the public participation section of this notice.

Cameron's Terminal Expansion Project is in the preliminary design state.

For this project, the FERC staff has initiated its NEPA review prior to receiving the application. The purpose of the Commission's Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC. A docket number (PF06-10-000) has been established to place information filed by Cameron, and related documents issued by the Commission, into the public record. Once a formal application is filed with the FERC, a new docket number will be established.

NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the authorization of an LNG facility. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues that should be addressed in the EA. We will consider all comments received during scoping in the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; elected officials; environmental and public interest groups; affected landowners; Native American tribes; libraries and newspapers; the Commission's official service list for this proceeding; and other interested parties. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section.

### Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposal. By becoming a commenter, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the

more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St. NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Branch 1, DG2E; and
- Reference Docket No. PF06-10-000 on the original and both copies.
- Mail your comments so that they will be received in Washington, DC on or before March 6, 2006.

The Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations (CFR) 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at <http://www.ferc.gov> under the "eFiling" link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Login to File" and then "New User Account." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

When Cameron submits its application for authorization to construct and operate the Terminal Expansion Project, the Commission will publish a Notice of Application in the **Federal Register** and will establish a deadline for interested persons to intervene in the proceeding. Because the Commission's Pre-Filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

### Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary" link. Click on the eLibrary link, click on "General Search," and enter the docket number excluding the last three digits in the Docket Number field (*i.e.*, PF06-10). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the

Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribe.htm>.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1855 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF06-2-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Potomac Expansion Project and Request for Comments on Environmental Issues

February 3, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Transcontinental Gas Pipe Line Corporation's (Transco) proposed Potomac Expansion Project involving construction and operation of facilities in Pittsylvania, Campbell, and Fairfax Counties, Virginia. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process that the Commission will use to gather environmental input from the public and interested agencies on the Potomac Expansion Project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on March 17, 2006. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. State and local

government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

With this notice, we<sup>1</sup> are asking other federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility on My Land? What Do I Need to Know?" is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the FERC's proceedings.

#### Summary of the Proposed Project

Transco proposes to expand its existing pipeline facilities in Pittsylvania and Campbell Counties, Virginia and replace a portion of an existing natural gas pipeline in Fairfax County, Virginia (see map in Appendix A<sup>2</sup>). The expansion would consist primarily of looping<sup>3</sup> Transco's existing pipeline system for about 21.2 miles and replacement of about 3.4 miles of pipeline. The Potomac Expansion Project is proposed to begin construction in March 2007 and place facilities in service by November 2007, contingent on the project being certificated.

<sup>1</sup> "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects.

<sup>2</sup> The appendix referenced in this notice is not being printed in the *Federal Register*. Copies are available from the Commission's Public Reference and Files Maintenance Branch, at (202) 502-8371. For instructions on connecting to eLibrary refer to the public participation section of this notice.

<sup>3</sup> A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

Specifically, Transco seeks authority to construct and operate the following facilities:

- Pipeline Facilities
  - About 17.2 miles of 42-inch-diameter loop in Pittsylvania County, Virginia.
  - About 4.0 miles of 42-inch-diameter loop in Campbell County, Virginia.
  - Replace 3.4 miles of 30-inch-diameter pipeline with 42-inch-diameter pipeline in Fairfax County, Virginia.
- Miscellaneous facilities
  - Mainline valve (MLV) setting and pig launcher and receiver in Pittsylvania County, Virginia.
  - MLV setting and pig launcher in Campbell County, Virginia.
  - MLV setting and pig launcher and receiver in Fairfax County, Virginia.

#### The EA Process

The FERC will be the lead federal agency for the preparation of the EA. The document will satisfy the requirements of the National Environmental Policy Act (NEPA). The Potomac Expansion Project is in the preliminary design state.

For this project, the FERC staff has initiated its NEPA review prior to receiving the application. The purpose of the Commission's Pre-Filing Process is to involve interested stakeholders early in project planning and to identify and resolve issues before an application is filed with the FERC. A docket number (PF06-2-000) has been established to place information filed by Transco, and related documents issued by the Commission, into the public record. Once a formal application is filed with the FERC, a new docket number will be established.

NEPA requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues that should be addressed in the EA. We will consider all comments received during scoping in the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; elected officials; environmental and public interest

groups; other interested parties; affected landowners; Native American tribes; libraries, and newspapers; and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the proposal. By becoming a commentator, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St. NE., Room 1A, Washington, DC 20426;
  - Label one copy of the comments for the attention of the Gas Branch 1, DG2E; and
  - Reference Docket No. PF06-2-000 on the original and both copies.
- Mail your comments so that they will be received in Washington, DC on or before March 17, 2006.

The Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations (CFR) 385.2001(a)(1)(iii) and the instructions on the Commission's internet website at <http://www.ferc.gov> under the "eFiling" link and the link to the user's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Login to File" and then "New User Account." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

When Transco submits its application for authorization to construct and operate the Potomac Expansion Project, the Commission will publish a Notice of Application in the Federal Register and will establish a deadline for interested persons to intervene in the proceeding.

Because the Commission's Pre-Filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

#### Environmental Mailing List

If you received this notice, you are on the environmental mailing list for the Potomac Expansion Project and will continue to receive project updates including the EA. If you want your contact information corrected or you do not want to remain on our mailing list, please return the Correct or Remove From Mailing List Form included as Appendix B.

To reduce printing and mailing costs, the EA may be issued in both CD-ROM and hard copy formats. The FERC strongly encourages the use of the CD-ROM format in its publication of documents. If you wish to receive a paper copy of the EA instead of a CD-ROM, you must indicate that choice on the return postcard (Appendix B).

#### Availability of Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1-866-208 FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary" link. Click on the eLibrary link, click on "General Search," and enter the docket number excluding the last three digits in the Docket Number field (i.e., PF06-2). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Magalie R. Salas,  
Secretary.

[FR Doc. E6-1857 Filed 2-9-06; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### San Luis Rio Colorado Project, Yuma County, AZ

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement and to conduct public scoping meetings; notice of floodplain and wetlands involvement.

**SUMMARY:** The Department of Energy's (DOE) Western Area Power Administration (Western) and Office of Electricity Delivery and Energy Reliability (OE) intend to conduct public scoping meetings and to prepare an environmental impact statement (EIS) on a proposal to construct new international transmission facilities and to connect those facilities with Western's transmission system at its Gila Substation east of Yuma, Arizona. The EIS will be prepared in compliance with the National Environmental Policy Act (NEPA) and applicable regulations, including DOE NEPA implementing regulations.

The EIS is being prepared in response to Generadora del Desierto S.A. de C.V. (GDD) applying to DOE for a Presidential permit to construct two 500,000-volt (500-kilovolt (kV)) electric transmission lines across the United States border from Mexico, and North Branch Resources, LLC (NBR) applying to interconnect with Western's transmission system. With this Notice of Intent, DOE invites public participation in the EIS scoping process and solicits public comments to help establish the scope and content of the EIS. Because the project involves action in a floodplain, the EIS will address floodplain and wetlands impacts per DOE regulations for compliance with floodplain and wetlands environmental review.

**DATES:** DOE invites interested agencies, tribes, organizations, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until March 13, 2006.

Public scoping meetings are set for:

1. February 28, 2006, 9 a.m. to 4 p.m. in Yuma, Arizona.

2. February 28, 2006, 6 to 9 p.m. in Yuma, Arizona.

3. March 1, 2006, 9 a.m. to 4 p.m. in San Luis, Arizona.

4. March 1, 2006, 6 to 9 p.m., in San Luis, Arizona.

**ADDRESSES:** Written comments or suggestions on the scope of the EIS should be addressed to Mr. John Holt, Environmental Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, facsimile (602) 605-2630, e-mail [holt@wapa.gov](mailto:holt@wapa.gov).

Scoping meetings will be held at the Yuma Civic and Convention Center, 1440 West Desert Hills Drive in Yuma, AZ on February 28, and at the San Luis High School, 1250 North 8th Avenue in San Luis, AZ on March 1, 2006. The facilities are wheelchair accessible, and a Spanish-speaking representative will be present.

**FOR FURTHER INFORMATION CONTACT:** For information on the proposed project and interconnection with Western's transmission system, or to receive a copy of the Draft EIS when it is issued, contact Mr. Mark Wieringa, NEPA Document Manager, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228-8213, telephone (800) 336-7288, facsimile (720) 962-7263, e-mail [wieringa@wapa.gov](mailto:wieringa@wapa.gov).

For information on the Presidential permit process, contact Mrs. Ellen Russell, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350, telephone (202) 586-9624, facsimile (202) 586-5860, e-mail [ellen.russell@hq.doe.gov](mailto:ellen.russell@hq.doe.gov).

For general information on the DOE's NEPA review process, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0119, telephone (202) 586-4600 or (800) 472-2756; facsimile (202) 586-7031.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background and Need for Agency Action**

###### *Western Interconnection Project*

Federal Energy Regulatory Commission (FERC) Order Nos. 888 and 888-A require all public utilities owning or controlling interstate transmission facilities to offer non-discriminatory open access transmission services. Through these Orders, FERC addressed the need to encourage lower electricity rates by facilitating the development of competitive wholesale electric power markets through the prevention of unduly discriminatory practices in providing transmission services.

In order to be consistent with FERC Order Nos. 888 and 888-A, Western published its Notice of Final Open Access Transmission Service Tariff (Tariff) in the *Federal Register* on January 6, 1998. Western filed an amendment to the Tariff with FERC on January 25, 2005, to adopt Large Generator Interconnection (LGI) rules that substantially conform with those published in FERC Order Nos. 2003, 2003-A and 2003-B. Western's amended Tariff requires Western to respond to an application as presented by an applicant. Section 211 of the Federal Power Act requires that transmission services be provided upon application if transmission capacity is available.

In compliance with the FERC LGI rules, Western has committed to accommodating new transmission capacity constructed by an applicant. NBR has requested an interconnection to the Federal transmission system under Western's Tariff. Western must determine whether to grant or deny the interconnection while considering effects of the proposed project on existing customers, the environment, system reliability, and any system modifications needed to accommodate the interconnection. If the interconnection request is granted and the proposed project proceeds, Western would construct, own, operate, and maintain any required modifications to its own transmission system within the United States at the expense of NBR.

Because the proposed project would integrate a major new source of generation into Western's transmission system, Western has determined that an EIS is required under DOE's NEPA Implementing Procedures, 10 CFR part 1021, Subpart D, Appendix D, class of action D6.

###### *DOE Presidential Permit*

GDD has applied to DOE for a Presidential permit to construct two 500-kV electric transmission lines across the United States border from Mexico. Executive Order 10485, as amended by Executive Order 12038, requires that a Presidential permit be issued before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The Executive Order provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after concurrence by the U.S. Departments of State and Defense. The implementing regulations are published at 10 CFR 205.320-205.329.

In determining consistency with the public interest, DOE considers the environmental impacts of the proposed project under NEPA, determines the project's impact on electric reliability (including whether the proposed project would adversely affect the operation of the United States electric power supply system under normal and contingency conditions), and any other factors that DOE may also consider relevant to the public interest. Issuance of a Presidential permit indicates that there is no Federal objection to the project, but does not mandate that the project be completed.

##### **Proposed Action and Alternatives**

The Applicants are each wholly owned subsidiaries of North Branch Holding, LLC. GDD proposes to construct, own, operate, and maintain the power plant in Mexico and the short section of transmission line located in Mexico. The Applicants propose that Western construct, own, operate, and maintain the double-circuited 500-kV transmission components in the United States, at the Applicants' expense. In response to the interconnection request to Western, the transmission line would interconnect with Western's transmission system through a 500/161-kV expansion at Gila Substation, located east of Yuma. Under the proposal, Western would construct, own, operate, and maintain the 500-kV transmission line between a Point of Change of Ownership near the international border and the Gila Substation, the 500/161-kV expansion at Gila Substation, and the 500-kV transmission line between Gila Substation and Arizona Public Service Company's (APS) North Gila Substation. In that case, Western would become a co-applicant on the Presidential permit application.

Western considers the 500-kV transmission facilities south of Gila Substation, the Proposed Point of Interconnection, to be Interconnection Facilities for the sole use of the Applicants, while the path between Gila Substation and North Gila Substation is a Network Upgrade benefiting the integrated transmission system. The Interconnection Facilities will consist of the Interconnection Customer's Interconnection Facilities, owned by GDD, and Transmission Provider's Interconnection Facilities, owned by Western. GDD has received an authorization from Comision Reguladora de Energia (CRE), Mexico's energy regulatory commission, to export electric energy to the United States and GDD proposes to deliver on-peak electrical power into the United States in the vicinity of Yuma, Arizona.



The total length of the 500-kV transmission system within the United States would be approximately 25 miles; 20 miles from the international border to Gila Substation and 5 miles from Gila Substation to North Gila Substation. To reduce the height, the double-circuit 500-kV transmission line may be constructed as two separate single-circuit transmission lines for a short distance near the U.S. Marine Corps' Auxiliary Airfield No. 2 landing pattern. The Applicants have proposed a route for the 500-kV transmission line that crosses the border immediately north of the proposed power generation facility and then turns northeast to the boundary of the Barry M. Goldwater Range (Range). The route then proceeds north along the boundary of the Range and parallels the proposed Area Service Highway and Western's existing Sonora 69-kV transmission line. Near the northwest corner of the Range, the proposed route heads north to the Yuma Mesa Irrigation District canal and levee, then turns generally northeastward, paralleling the canal, levee, road, and Western's 69-kV line into Gila Substation. Leaving Gila Substation, the proposed route parallels the existing three transmission lines to the north, crossing the South Gila Valley, then turns northwest and into APS's North Gila Substation, still paralleling the existing transmission lines. DOE will evaluate opportunities to consolidate existing transmission lines with the proposed new line.

DOE will consider any additional reasonable alternatives that result from comments received in response to the scoping process described in this notice. To be considered reasonable, alternatives would need to meet the Applicants' and Western's purpose and need, and be technically feasible and economically viable. DOE will also consider reasonable alternatives that may be identified later in the EIS process.

The EIS will also consider the environmental impacts of the "No Action" alternative. Under the No Action alternative, the EIS will analyze the impacts associated with not approving an interconnection agreement and not issuing a Presidential permit.

#### Activities Outside the United States

Inside Mexico, GDD plans to construct and operate a new 550-Megawatt (MW) nominal (605-MW peaking) natural gas-fired, combined cycle power generating facility located approximately 3 miles east of San Luis Rio Colorado, State of Sonora, Mexico, and about 1 mile south of the international border. While this facility

is not subject to the United States' regulatory requirements, DOE will evaluate impacts within the United States from its operation as part of its impact analysis. GDD plans to construct the power generating facility to comply with applicable United States environmental standards in addition to those of Mexico's Instituto Nacional de Ecología. The planned generating facility would be equipped with advanced air emissions control technology, including low-NO<sub>x</sub> combustion technology and a selective catalytic reduction system for oxides of nitrogen, and catalytic oxidizers for carbon monoxide emissions control. The generating facility's primary source of water would be treated effluent from the San Luis Rio Colorado water treatment plant, and GDD would construct a pipeline system connecting the two facilities. A natural gas pipeline approximately 6 miles long would be constructed from the generating facility to an existing main gas line. GDD plans to sell off-peak power inside Mexico to the association of maquiladoras (fabrication or assembly plants in the North American Free Trade Agreement zone) of San Luis Rio Colorado and also to the Comision Federal de Electricidad, Mexico's national electric utility. GDD would construct, own, operate, and maintain a section of transmission line in Mexico to a point to be determined (Point of Change of Ownership).

#### Identification of Environmental Issues

In the EIS, DOE will examine public health and safety effects and environmental impacts within the United States from the proposed transmission facilities and from the associated Mexico generating facility. The EIS will be prepared under the requirements of the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR parts 1500-1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021). Because the project involves action in a floodplain, the EIS will include a floodplain assessment and floodplain statement of findings following DOE regulations for compliance with floodplain and wetlands environmental review (10 CFR part 1022). Tribal governments and Federal, state, and local agencies with special expertise or jurisdiction over the proposed project are being invited to become cooperating agencies on the EIS.

This notice is to inform agencies and the public of the proposed project and solicit comments and suggestions for consideration in the preparation of the EIS. To help the public frame its comments, this notice contains a list of

potential environmental issues within the United States that DOE has tentatively identified for analysis. These issues include:

- (1) Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats (including flat-tailed horned lizard and Peirson's milk-vetch);
- (2) Impacts on other biological resources;
- (3) Impacts on land use, recreation, and transportation (including agriculture, urban development and the planned Area Service Highway);
- (4) Impacts on floodplains and wetlands;
- (5) Impacts on cultural or historic resources and tribal values;
- (6) Impacts on human health and safety (including military, civilian, and agricultural aviation safety);
- (7) Impacts on air, soil, and water resources (including air quality, groundwater consumption, and quality);
- (8) Visual impacts; and
- (9) Socioeconomic impacts and disproportionately high and adverse impacts to minority and low-income populations.

This list is not intended to be all-inclusive or to imply any predetermination of impacts, and DOE invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS. Since the EIS would be prepared in compliance with U.S. law, it will only address impacts that would accrue in the United States. NEPA does not require an analysis of environmental impacts that occur within another sovereign nation that result from approved actions by that sovereign nation. Executive Order 12114 (January 4, 1979) requires Federal agencies to prepare an analysis of significant impacts from a Federal action in certain defined circumstances and exempts agencies from preparing analyses in others. The Order does not require Federal agencies to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action. Here, the Mexican Government has been involved in evaluating the environmental impacts associated with the generating facility in Mexico and has issued permits authorizing the construction and operation of the generating facility and ancillary facilities, including water use. An overview of the permitting of the generating facility and associated environmental impacts analysis that was performed by the Mexican

Government will be included in the Draft EIS.

#### Scoping Process

Interested parties are invited to participate in the scoping process, both to refine the preliminary alternatives and environmental issues to be analyzed in depth, and to eliminate from detailed study those alternatives and environmental issues that are not feasible or pertinent. All comments received will be considered and used to shape the EIS process.

Public EIS scoping meetings will be held at the location, date, and times indicated above under the **DATES** and **ADDRESSES** sections. The scoping meetings will be structured as informal open houses. They will provide interested parties the opportunity to view proposed project and EIS process information, ask questions, and make comments. DOE and cooperating agency representatives will be available to answer questions and provide additional information to attendees.

DOE invites those entities with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies on the EIS, as defined at 40 CFR 1501.6. Such entities may also make a request to DOE to be a cooperating agency. Designated cooperating agencies have certain responsibilities to support the NEPA process, as specified at 40 CFR 1501.6(b).

Persons submitting comments during the scoping process will receive copies of the Draft EIS. Persons who do not wish to submit comments or suggestions at this time, but who would like to receive a copy of the Draft EIS for review and comment when it is issued, should notify Mr. Mark Wieringa at the address provided above. The Draft EIS in printed form or electronic form on a compact disc will be made available to the public upon request.

#### Draft EIS Schedule and Availability

DOE anticipates the EIS process will take about 14 to 16 months and will include the public information and scoping meetings; consultation and involvement with appropriate Federal, state, and local agencies, and tribal governments; public review and hearing(s) on the published Draft EIS; a published Final EIS; and publication of a Record of Decision (ROD).

The public will be provided an opportunity to review the Draft EIS and a hearing on the published Draft EIS is expected to be conducted in the third quarter of calendar year 2006. A notice of the location of these public hearings

will be provided in the **Federal Register** and local media at a later date.

A published final EIS, a waiting period, and publication of a ROD are anticipated in early calendar year 2007.

Dated: February 2, 2006.

Michael S. HacsKaylo,  
Administrator.

[FR Doc. E6-1914 Filed 2-9-06; 8:45 am]

BILLING CODE 6450-01-P

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8030-9]

#### Proposed Settlement Agreement, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Settlement Agreement; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement, to address a petition for writ of mandamus filed by Sierra Club in the U.S. Court of Appeals for the District of Columbia Circuit: *In re Sierra Club*, No. 05-1045 (DC Cir.). On February 15, 2005, Petitioner filed a petition asking the Court to issue a writ of mandamus directing EPA to complete remand proceedings ordered by the United States Court of Appeals for the D.C. Circuit in *Sierra Club v. EPA*, 167 F.3d 658 (DC Cir. 1999) for EPA's maximum achievable control technology ("MACT") determinations for new and existing hospital, medical and infectious waste incinerators ("HMIWI"). Under the terms of the proposed settlement agreement, no later than one year after this agreement is executed, the Administrator shall sign a notice of proposed rulemaking which responds to the remand order and no later than two years after this agreement is executed, the Administrator shall sign a notice of final rulemaking which responds to the remand order.

**DATES:** Written comments on the proposed settlement agree must be received by March 13, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2006-0104, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Michael Thrift, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5596; fax number (202) 564-5603; e-mail address: [thrift.mike@epa.gov](mailto:thrift.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Settlement Agreement

EPA promulgated regulations on September 15, 1997 to establish MACT standards for HMIWI. 62 FR 48347. These regulations were challenged, and on April 12, 1999, the United States Court of Appeals for the District of Columbia Circuit remanded EPA's MACT determinations for new and existing HMIWI regulations to EPA. *Sierra Club v. EPA*, 167 F.3d 658 (DC Cir 1999).

The settlement agreement provides, among other things, that: (1) One year after the execution of this settlement agreement, EPA shall sign for publication in the **Federal Register** a notice of proposed rulemaking setting forth its proposed response to the Court's remand order in *Sierra Club v. EPA*; (2) following a period of at least 30 days for public comment on the proposed rulemaking, two years after the execution of this settlement agreement, EPA shall sign for publication in the **Federal Register** a notice of final rulemaking; and (3) no later than 15 days after the Administrator signs the final rulemaking and transmits it to the Office of the Federal Register for publication the petitioner will dismiss the petition for writ of mandamus.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is

inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment which may be submitted, that consent to the settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

## II. Additional Information About Commenting on the Proposed Settlement Agreement

### A. How Can I Get a Copy of the Settlement Agreement?

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2006-0104 which contains a copy of the settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through <http://www.regulations.gov>. You may use the <http://www.regulations.gov> Web site to submit or view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket

materials through the EPA Docket Center.

### B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 2, 2006.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E6-1851 Filed 2-9-06; 8:45 am]

**BILLING CODE 5650-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8031-1]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a deadline suit filed by Sierra Club: *Sierra Club v. Johnson*. No. 05CV02177 (RMC) (D. DC). On July 9, 2002 and November 18, 2002, Sierra Club petitioned EPA to object to certain Clean Air Act Title V permit amendments proposed by the Georgia Environmental Protection Division for steam generating plants at (1) Georgia Power's Bowen Steam-Electric Generating Plant ("the Bowen plant") and (2) the Bowen, McDonough/Atkinson, Yates, Hammond, Wansley, Scherer, and Branch Steam-Electric Generating Plants (collectively "the seven power plants") in the State of Georgia. Subsequently, Sierra Club filed suit, alleging that the Administrator failed to perform his nondiscretionary duty to respond to the petitions within sixty days of the date they were filed. Under the terms of today's proposed consent decree, EPA has agreed to respond to the petitions by March 15, 2006, and Sierra Club has agreed that if EPA does so, Sierra Club will dismiss its suit with prejudice. In addition, EPA has agreed to pay Sierra Club a specified amount in settlement for attorneys' fees in this matter.

**DATES:** Written comments on the proposed consent decree must be received by March 13, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2006-0105, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form

of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:**

Howard J. Hoffman, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5582; fax number (202) 564-5603; e-mail address:

[hoffman.howard@epa.gov](mailto:hoffman.howard@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Additional Information About the Proposed Consent Decree**

This proposed consent decree would resolve a deadline suit to require EPA to respond to two administrative petitions that EPA object to certain Title V permit amendments proposed by the Georgia Environmental Protection Division for the Bowen plant and the seven power plants in the State of Georgia. Under the proposed decree, Sierra Club would agree to dismiss the lawsuit if the Administrator responds to the petitions by March 15, 2006. The consent decree does not specify the type of response that the Administrator must make to the petitions. If the consent decree becomes final and the Administrator responds to the petitions by March 15, 2006, Sierra Club will dismiss the case and EPA will pay Sierra Club a specified amount in settlement of its claims for attorneys' fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

**II. Additional Information About Commenting on the Proposed Consent Decree**

**A. How Can I Get a Copy of the Consent Decree?**

Direct your comments to the official public docket for this action under Docket ID No. EPA-HQ-OGC-2006-0105 which contains a copy of the consent decree. The official public docket is available for public viewing at

the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use the [www.regulations.gov](http://www.regulations.gov) Web site to submit or view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

**B. How and To Whom Do I Submit Comments?**

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows

EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the [www.regulations.gov](http://www.regulations.gov) Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 1, 2006.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E6-1912 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6672-2]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 1, 2005 (70 FR 16815).

**Draft EISs**

EIS No. 20050347, ERP No. D-DOE-B05194-ME, Bangor Hydro-Electric Northeast Reliability Interconnect, Construct, Connect, Operate and

Maintain an Electric Transmission Line, Amend Presidential Permit (PP-89), DOE/EIS-0372, Hancock, Penobscot and Washington Counties, ME.

**Summary:** EPA expressed environmental concerns about the project related to direct and indirect impacts to wetlands and wildlife habitat. Rating EC2.

**EIS No. 20050471, ERP No. D-AFS-165456-WY, Moose-Gypsum Project, Proposes to Authorize Vegetation Treatments, Watershed Improvements, and Travel Plan and Recreation Updates, Pinedale Ranger District, Bridger-Teton National Forest, Sublette County, WY.**

**Summary:** EPA supports the potential benefits of the proposed action that may result in improvement of the desired future conditions. However, the final EIS should include information on sediment, water quality, fisheries, and wildlife to adequately determine the extent of project impacts. Rating EC2.

**EIS No. 20050473, ERP No. D-COE-139034-MT, Upper Columbia Alternative Flood Control and Fish Operations, Implementation, Libby and Hungry Horse Dams, Columbia River Basin, MT.**

**Summary:** EPA expressed environmental concerns about potential adverse impacts to the aquatic ecosystem and recommended avoidance of unnatural double peak hydrographs and further evaluation of Alternative LV2 as part of a potential long-term strategy to more effectively recover the endangered Kootenai River white sturgeon. EPA supports dam and reservoir operations that avoid exceedances of total dissolved gas saturation standards as much as possible and more natural flow regimes and net overall benefits to the aquatic ecosystems. Rating EC2.

**EIS No. 20050500, ERP No. D-AFS-165498-ID, Newsome Creek Watershed Rehabilitation, Stream Restoration and Improvement and Decommissioning of Roads, Red River Ranger District, Nez Perce National Forest, Idaho County, ID.**

**Summary:** EPA expressed environmental concerns about ongoing water quality and potential impacts of toxic substances released by mining activities, and recommended that the final EIS include data demonstrating that water quality standards would be met and details on the mine tailings management. Rating EC1.

**EIS No. 20050503, ERP No. D-GSA-180018-WA, Peace Arch Port of Entry Redevelopment Project,**

**Improvements to Security, Safety and Functionality, Canadian Border in Blaine, Whatcom County, WA.**

**Summary:** EPA expressed environmental concerns about the potential for impacts to surface water quality from storm water run-off. Rating EC1.

**EIS No. 20050528, ERP No. D-AFS-165060-IN, Tell City Windthrow 2004 Project, Salvage Harvest and Prescribed Burning of Windthrow Timber, Implementation, Hoosier National Forest, Perry, Crawford and Dubois Counties, IN.**

**Summary:** EPA does not object to the proposed action. Rating LO.

**EIS No. 20050504, ERP No. DC-COE-H36012-MO, St. Johns Bayou and New Madrid Floodway Project, Channel Enlargement and Improvement, Revised Information to Clarify and Address Issues of Concern, Flood Control National Economic Development (NED), New Madrid, Mississippi and Scott Counties, MO.**

**Summary:** EPA recommended that the Final RSEIS 2 provide additional information on locations and expected benefits of mitigation measures, and on contingencies for fishery impacts in the event that the proposed fish passage measures into the New Madrid Floodway do not perform as anticipated. Rating EC2.

#### Final EISs

**EIS No. 20050398, ERP No. F1-BLM-165158-CA, Clear Creek Resource Management Area Plan Amendment, Hollister Resource Management Plan, Implement the Decision Made in the 1999 CCMA ROD, San Benito and Fresno Counties, CA.**

**Summary:** EPA supports BLM's proposal to immediately close certain routes to reduce erosion and sediment loading in streams and avoid impacts to special status species. BLM has also committed to incorporating the results of EPA's CCMA asbestos exposure evaluation into a subsequent NEPA document soon after our study is completed in July 2006. EPA expressed some human health concerns and recommended that, in the interim, BLM implement measures in the CCMA to reduce children's exposure to asbestos, improve public education/communication regarding asbestos risks, and commit to a 2006 summer dry season closure between Memorial Day weekend and November 15.

**EIS No. 20050381, ERP No. F-AFS-165394-CA, Los Padres National Forest Oil and Gas Leasing**

**Management, Implementation, Kern, Los Angeles, Monterey, Santa Barbara and San Luis Obispo Counties, CA.**

**Summary:** EPA continued to express concerns about potential impacts from the project's short-term emissions of ozone precursors and particulate smaller than 10 microns, and recommended the Forest Service include additional lease stipulations to reduce air pollutant emissions.

**EIS No. 20050407, ERP No. F-N.S.-165268-AZ, Saguaro National Park Fire Management Plan, Implementation, Tucson, AZ.**

**Summary:** EPA does not object to the proposed project.

**EIS No. 20050491, ERP No. F-AFS-165011-00, White Mountain National Forest Land and Resource Management Plan, Forest Plan Revision, Implementation, Carroll, Coos, Grafton Counties, NH and Oxford County, ME.**

**Summary:** EPA does not object to the proposed action.

**EIS No. 20050514, ERP No. F-NIH-1651009-MA, National Emerging Infections Laboratories, Selected the Preferred Alternative, Construction of National Biocontainment Laboratory, BioSquare Research Park, Boston University Medical Center Campus, Boston, MA.**

**Summary:** EPA does not object to the proposed project.

**EIS No. 20050519, ERP No. F-FHW-1650095-RI, U.S. Route 6/Route 10 Interchange Improvement Project, To Identify Transportation Alternative, Funding, City of Providence County, RI.**

**Summary:** EPA does not object to the preferred alternative.

**EIS No. 20050525, ERP No. F-N.S.-1651161-CA, Golden Gate National Recreation Area (GGNRA) Fire Management Plan, Implementation, Muir Woods National Monument, Fort Point National Historic Site, San Mateo, San Francisco and Marin Counties, CA.**

**Summary:** The FEIS has adequately responded to our concerns with air quality and smoke management, water quality and wetlands, and herbicide use; therefore, EPA does not object to the proposed action.

**EIS No. 20050526, ERP No. F-N.S.-165271-CA, Santa Monica Mountains National Recreation Area, Fire Management Plan, Implementation, Santa Monica Mountains, CA.**

**Summary:** EPA does not object to this project.

**EIS No. 20050527, ERP No. F-AFS-165478-OR, Big Butte Springs Timber**

Sales, To Implementation Management Direction, Roque River-Siskiyou National Forest, Butte Falls Ranger District, Cascade Zone, Jackson County, OR.

**Summary:** EPA's environmental concerns about potential adverse impacts to water quality and natural resources have been addressed; therefore, EPA does not object to the proposed action.

**EIS No. 20050529, ERP No. F-FHW-K40256-CA**, 1st Street Viaduct and Street Widening Project, To Replace Two Traffic Lanes on the 1st Street Viaduct between Vignes Street and Mission Road, Funding, in the City and County of Los Angeles, CA.

**Summary:** EPA continues to have environmental concerns about the proposed project regarding air quality and mitigation for construction-related diesel emissions.

**EIS No. 20060000, ERP No. F-BLM-G65096-NM**, McGregor Range Resource Management Plan Amendment (RMPA), Implementation, Otero County, NM.

**Summary:** No formal comment letter was sent to the preparing agency.

Dated: February 6, 2006.

**Robert W. Hargrove,**

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6-1907 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6672-3]

### Environmental Impacts Statements; Notice of Availability

**Responsible Agency:** Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements filed January 30, 2006 through February 3, 2006 pursuant to 40 CFR 1506.9.

**EIS No. 20060036, Draft EIS, BLM, OR**, North Steens Ecosystem Restoration Project, To Reduce Juniper-Related Fuels and Restore Various Plant Communities, Implementation, Andrews Resource Area, Cooperative Management and Protection Area (CMPA), Harney County, OR, Comment Period Ends: March 27, 2006, Contact: Douglas Linn 541-573-4543.

**EIS No. 20060037, Final EIS, AFS, IN**, German Ridge Restoration Project, to Restore Native Hardwood Communities, Implementation,

Hoosier National Forest, Tell City Ranger District, Perry County, IN, Wait Period Ends: March 13, 2006, Contact: Ron Ellis 812-275-5987.

**EIS No. 20060038, Draft EIS, BLM, UT**, Greater Deadman Bench Oil and Gas Producing Region, Proposes to Develop Oil and Gas Resources, Right-of-Way Grants and Applications for Permit to Drill, Vernal, Uintah County, UT, Comment Period Ends: March 27, 2006, Contact: Stephanie Howard 435-781-4400.

**EIS No. 20060039, Final EIS, FAA, AZ**, Phoenix Sky Harbor International Airport (PHX), Construction and Operation of a Terminal, Airfield and Surface Transportation, City of Phoenix, Maricopa County, AZ, Wait Period Ends: March 13, 2006, Contact: Jennifer Mendelsohn 310-725-3637.

**EIS No. 20060040, Final EIS, FHW, AK**, Juneau Access Transportation Project, Improvements in the Lynn Canal/Taiya Inlet Corridor between Juneau and Haines/Skagway, Special-Use-Permit and COE Section 10 and 404 Permits, Tongass National Forest, Klondike Gold Rush National Historic Park, Haines States Forest, City and Borough of Juneau, Haines Borough, Cities Haines and Skagway, AK, Wait Period Ends: March 13, 2006, Contact: Tim A. Haugh 907-586-7430.

**EIS No. 20060041, Draft Supplement, COE, FL**, South Florida Water Management District, (SFWMD), Proposes Construction and Operation Everglades Agricultural Area Reservoir A-1 Project, Lake Okeechobee, Palm Beach County, FL, Comment Period Ends: March 27, 2006, Contact: Tori White 561-472-8888.

**EIS No. 20060042, Draft EIS, NPS, TN**, Great Smoky Mountains National Park General Management Plan Amendment, Implementation, Elkmont Historic District, Sevier County, TN, Comment Period Ends: May 11, 2006, Contact: Amy Wirsching 404-562-3124 Ext-607.

**EIS No. 20060043, Final EIS, AFS, CO**, Rock Creek Integrated Management Project, Propose Treatment to Address Mountain Beetle Epidemics, and to Reduce Wildfires within the Rock Creek Analysis Area, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, Glenwood Springs Resource Area, Routt and Grand Counties, CO, Wait Period Ends: March 13, 2006, Contact: Joanne Sanfilippo 970-870-2210.

### Amended Notices

**EIS No. 20060035, Final EIS, AFS, OH**, Wayne National Forest, Proposed Revised Land and Resource

Management Plan, Implementation, Several Counties, OH, Wait Period Ends: March 6, 2006, Contact: Bob Gianniny 740-753-0882 Revision to Federal Register notice published on February 3, 2006. The above EIS should have appeared in the Federal Register on February 3, 2006.

Dated: February 6, 2006.

**Robert W. Hargrove,**

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6-1905 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-EPA-HQ-OPP-2006-0068; FRL-7760-8]

### Full Tribal Pesticide Program Council (TPPC) Public Meeting

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

**ACTION:** Notice.

**SUMMARY:** The Tribal Pesticide Program Council (TPPC) will hold a 2 and 1/2-day meeting, beginning on March 8 and ending on March 10, 2006. This notice announces the location and times for the meeting, and sets forth the tentative agenda topics. One Tribal Caucus scheduled each day.

**DATES:** The meeting will be held on March 8-9, 2006 from 9 a.m. to 5 p.m. and a half day training for Tribes on March 10, 2006.

**ADDRESSES:** The meeting will be held at Doubletree Hotel (Crystal City), 300 Army Navy Drive, Arlington, VA 22202.

**FOR FURTHER INFORMATION CONTACT:** Georgia McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001; telephone number: (703) 605-0195; fax number: (703) 308-1850; e-mail address: [mcduffie.georgia@epa.gov](mailto:mcduffie.georgia@epa.gov) or Lillian Wilmore, TPPC Facilitator, P.O. Box 470829 Brookline Village, MA 02447-0829; telephone number: (617) 232-5742; fax (617) 277-1656; e-mail address: [naecology@aol.com](mailto:naecology@aol.com)

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you may be potentially affected by this action if you are interested in TPPC's information exchange relationship with EPA regarding important issues related to

human health, environmental exposure to pesticides, and insight into EPA's decision-making process. All parties are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult either person listed under **FOR FURTHER INFORMATION CONTACT**. Potentially affected entities may include, but are not limited to:

- This action is directed to the public in general, and may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

#### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket*. EPA has established a docket for this action under Docket identification number (ID) [OPP-EPA-HQ-2006-0068; FRL-7760-8]. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

2. *Electronic access*. You may access this *Federal Register* document electronically through the EPA Internet under the *Federal Register* listings at <http://www.epa.gov/fedrgrstr/>.

E-DOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced Federal-wide electronic docket management and comment system located at <http://www.regulations.gov/>. Follow the on-line instructions.

#### **II. Tentative Agenda.**

1. TPPC State of the Council Report.
2. Update re Section 2ee Finding Section 18s and 24c Pilot Solution for Tribes.

3. Tribal Caucus of the National Tribal Operations Committee.

4. Reports from: State FIFRA Issues Research Evaluation Group (SFIREG) FOSTTA, and Community Education Ideas.

5. OPP Tribal Strategy.

6. TPPC Strategic Planning Report and Discussion - Question on How to Incorporate Pollution Prevention into all Strategic Planning.

7. OECA Report on the National Tribal Compliance Assistance Priority.

8. Tribal Caucus (Closed to the Public and to EPA)'

9. Presentation - Questions and Answers by Deputy Director EPA Office of Pesticide Programs.

10. Biopesticides.

11. Certification & Training in Indian Country Discussion.

12. Reports from EPA Regions.

13. Producer Establishment Inspections.

14. Report on Tribal Special Project Awards and the New Year Special Projects Solicitation.

15. Lifeline, Native American Graves Protection and Repatriation Act (NAGPRA), First Nations of Canada

16. Performance Measures.

17. Presentation on the National Museum of the American Indian/ Smithsonian.

18. A half day training (Tribes only).

#### **List of Subjects**

Environmental protection.

Dated: February 2, 2006.

**William R. Diamond,**

*Director, Field External Affairs Division, Office of Pesticide Programs*

[FR Doc. E6-1848 Filed 2-9-06; 8:45 am]

BILLING CODE 6560-50-S

#### **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-EPA-HQ-2005-0494; FRL-7762-6]

#### **Rotenone Risk Assessments; Notice of Availability, and Risk Reduction Options**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's risk assessments, and related documents for the pesticide rotenone, and opens a public comment period on these documents. The public is encouraged to suggest risk management ideas or proposals to address the risks identified. EPA is developing a Reregistration Eligibility Decision (RED), for rotenone through a

modified, 4-Phase public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

**DATES:** Comments must be received on or before April 11, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number OPP-EPA-HQ-2005-0494, by one of the following methods:

- <http://www.regulations.gov/>.

Follow the on-line instructions for submitting comments.

- *E-mail:* [opp-docket@epa.gov](mailto:opp-docket@epa.gov).

- *Mail:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

*Hand delivery:* Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number OPP-EPA-HQ-2005-0494. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to docket ID number OPP-EPA-HQ-2005-0494. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or *e-mail*. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA

recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/docket.htm/>.

**Docket.** All documents in the docket are listed in the *regulation.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov/> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the docket facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Katie Hall, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0166; fax number: (703) 308-8041; e-mail address: [hall.katie@epa.gov](mailto:hall.katie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket number and other identifying information (subject heading, **Federal Register**, date and page number).
- ii. **Follow directions.** The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns, and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

##### II. Background

###### A. What Action is the Agency Taking?

EPA is releasing for public comment its human health and environmental fate and effects risk assessments and related documents for rotenone. Rotenone is a botanical insecticide, acaricide, and piscicide obtained from extracts of roots, seeds, and leaves of various plants that are members of the pea or bean family (*Leguminosae*), including jewel vine (*Derris spp.*). EPA developed the risk assessments and risk characterization for rotenone through a

modified version of its public process for making pesticide reregistration eligibility and tolerance reassessment decisions. Through these programs, EPA is ensuring that pesticides meet current standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

Rotenone is used as an insecticide, acaricide, and piscicide in many different use sites. It is used as an insecticide/acaricide for home and garden use, as an insecticide/acaricide for agricultural crops, and as an insecticide on domesticated animals by veterinarians and private citizens. Rotenone also has an important use as a piscicide in fisheries and in lakes and streams to eradicate unwanted species.

EPA is providing an opportunity, through this notice, for interested parties to provide comments and input on the Agency's risk assessments for rotenone. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as worker exposure information, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

Through this notice, EPA also is providing an opportunity for interested parties to provide risk management proposals or otherwise comment on risk management for rotenone. Risks of concern associated with the use of rotenone are: Risk to private citizens when rotenone is used in and around the home, garden, and on pets; post-application risk to adults, youth and children when rotenone is used around the home, garden, and on pets; risk to swimmers when rotenone is used in lakes, ponds, and streams; risk to occupational handlers when rotenone is used in agriculture, around residential homes, and when used as a piscicide in lakes, ponds and streams. In targeting these risks of concern, the Agency solicits information on effective and practical risk reduction measures.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to



rotenone, compared to the general population.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004 (69 FR 26819) (FRL-7357-9), explains that in conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of the issues, and degree of public concern associated with each pesticide. For rotenone, a modified, 4-Phase process with one comment period and ample opportunity for public consultation seems appropriate in view of its limited use and small number of users. However, if as a result of comments received during this comment period EPA finds that additional issues warranting further discussion are raised, the Agency may lengthen the process and include a second comment period, as needed.

All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for rotenone. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

#### *B. What is the Agency's Authority for Taking this Action?*

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product-specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006. -

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: February 3, 2006.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. E6-1902 Filed 2-9-06; 8:45 am]

**BILLING CODE 6560-50-S**

#### **EXPORT-IMPORT BANK**

##### **Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank)**

**Summary:** The Advisory Committee was established by Pub. L. 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

**Time and Place:** Wednesday, March 1, 2006, from 9 a.m. to 12 p.m. The meeting will be held at Ex-Im Bank in the Main Conference Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

**Agenda:** This meeting will focus on the Bank's efforts to increase its support of small business exporters.

**Public Participation:** The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If you plan to attend, a photo ID must be presented, and you may contact Teri Stumpf to be placed on an attendee list. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to February 22, 2006, Teri Stumpf, Room 1203, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565-3502 or TDD (202) 565-3377.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Teri Stumpf, Room 1203, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565-3502.

**Howard A. Schweitzer,**

*Acting General Counsel.*

[FR Doc. 06-1231 Filed 2-9-06; 8:45 am]

**BILLING CODE 6690-01-M**

#### **FEDERAL RESERVE SYSTEM**

##### **Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12

CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 21, 2006.

**A. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Jill Anne Kollock; and Christopher Alan Kollock; Jan Rae Weisenbeck; and William Joseph Weisenbeck*, all of Bancroft, Wisconsin; as a group acting in concert, to acquire voting shares of Bancroft State Bancshares, Inc., Bancroft, Wisconsin, and thereby indirectly acquire voting shares of Bancroft State Bank, Bancroft, Wisconsin.

Board of Governors of the Federal Reserve System, February 1, 2006.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. E6-1815 Filed 2-9-06; 8:45 am]

**BILLING CODE 6210-01-S**

#### **FEDERAL RESERVE SYSTEM**

##### **Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 27, 2006.

**A. Federal Reserve Bank of Atlanta** (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Pollard Family Group (Jennie Floyd Pollard; Robert W. Pollard, Jr.; Zachary; Duncan Pollard; Ann Elizabeth Pollard; Richard Daniel Blanton; Patricia Pollard Blanton; Thomas Vinson Blanton II; Jennie Briggs Blanton; Clayton Edward Blanton; Lee Blanton West; Levi Anderson Pollard, V; Levi Anderson Pollard, VI; Lucy Ann Pollard; Pollard Land Company; and RWP Sr. Enterprises, LLLP; Robert W. Pollard, Jr., general partner, all of Appling, Georgia; and Robert William Pollard, III, Evans, Georgia; Richard Daniel Blanton, Jr., Carrollton, Georgia; and Lynn Pollard Nickerson and Paul Rush Battle, both of Atlanta, Georgia, to retain voting shares of Southeastern Bank Financial Corporation, and thereby indirectly acquire voting shares of Georgia Bank & Trust Company of Augusta, both of Augusta, Georgia.*

Board of Governors of the Federal Reserve System, February 7, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6-1898 Filed 2-9-06; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained

from the National Information Center Web site at <http://www.ffiec.gov/nic/>.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 3, 2006.

**A. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Stark Bank Group, Ltd.*, Fort Dodge, Iowa; to merge with Pelican Financial, Inc., Ann Arbor, Michigan, and thereby indirectly acquire voting shares of Pelican National Bank, Naples, Florida.

**B. Federal Reserve Bank of Minneapolis** (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Salish and Kootenai Bancorporation*, Polson, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of Eagle Bank, Polson, Montana.

Board of Governors of the Federal Reserve System, February 1, 2006.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. E6-1814 Filed 2-9-06; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise

noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at <http://www.ffiec.gov/nic/>.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 6, 2006.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *Union Bankshares Corporation*, Bowling Green, Virginia; to acquire 100 percent of the voting shares of Prosperity Bank & Trust Company, Springfield, Virginia.

**B. Federal Reserve Bank of Kansas City** (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *First Muskogee Financial Corporation*, Muskogee, Oklahoma; to acquire 100 percent of the voting shares of First Financial Bancshares, Inc., Roland, Oklahoma, and thereby indirectly acquire voting shares of First National Bank of Sallisaw, Sallisaw, Oklahoma.

Board of Governors of the Federal Reserve System, February 6, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6-1816 Filed 2-9-06; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the

proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 2006.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:  
1. *Orrstown Financial Services, Inc.*, Shippensburg, Pennsylvania; to acquire 100 percent of the voting shares of First National Bank of Newport, Newport, Pennsylvania.

**B. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *MainSource Financial Group, Inc.*, Greensburg, Indiana; to merge with Peoples Ohio Financial Corporation, Troy, Ohio, and thereby indirectly acquire voting shares of Peoples Savings Bank of Troy, Troy, Ohio, and thereby engage in owning and operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, February 7, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6-1897 Filed 2-9-06; 8:45 am]

BILLING CODE 6210-01-S

## GOVERNMENT PRINTING OFFICE

### Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will meet on Sunday, April 2, 2006, through Wednesday, April 5, 2006, at Renaissance Seattle Hotel, Washington.

The sessions will take place from 8 a.m. to 5 p.m. on Sunday through Tuesday, and 8 a.m. to 12 noon on Wednesday. The meeting will be held at the Renaissance Seattle Hotel, 515 Madison Street, Seattle, Washington. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public.

The sleeping rooms available at the Renaissance Seattle Hotel will be at the Government rate of \$124.00 (plus applicable state and local taxes, currently 15.6%) a night for a single or double. The Renaissance Seattle Hotel is in compliance with the requirements of Title III of the Americans With Disabilities Act and meets all Fire Safety Act regulations.

**Bruce R. James,**

*Public Printer of the United States.*

[FR Doc. E6-1808 Filed 2-9-06; 8:45 am]

BILLING CODE 1520-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30 Day-06-0440X]

#### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639-5960 or send an e-mail to [omb@cdc.gov](mailto:omb@cdc.gov). Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395-6974. Written comments should be received within 30 days of this notice.

#### Proposed Project

Integrating HIV and Other Prevention Services into Reproductive Health and Other Community Settings—Program Evaluation—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

Integrating HIV and Other Prevention Services into Reproductive Health and Other Community Settings is a training project of the CDC, National Center for Chronic Disease Prevention and Health Promotion, and its grantees (ten family planning regional training centers). The project requires twice-yearly reports from its grantees, (each of whom corresponds to one of the ten federal public health regions) on their training-centered intervention activities.

The projects deliver training and technical assistance to health provider

agencies to promote the program's objective of integrating prevention services into the existing range of services delivered by the project's health-provider agency partners. In addition, four projects are funded for adolescent reproductive health to deliver training and technical assistance to promote capacity building of communities in preventing teen pregnancy, sexually transmitted diseases, and promoting adolescent reproductive health. Promoting integrated prevention services and adolescent reproductive health are key strategies in containing the HIV epidemic in that the targeted provider agencies and the targeted communities serve at-risk populations not generally served by other health agencies where HIV prevention is a programmatic component.

Evaluation of this 5-year prevention integration program, which began September 30, 2004, will focus on process and outcome (or impact). Both process and outcome evaluation will provide data for validating program action or for redirecting program activities. On-going evaluation is a vital component for ensuring program success.

The evaluated findings from the data collection will enable the projects to be more efficient and effective in their operations and provide a direct means for submitting the twice-yearly progress reports, as mandated for all CDC cooperative agreements.

Grantees' semi-annual performance reports are due April 30 and October 30 during each year of the 5-year cooperative agreement. Using the on-line system, grantees enter data during each reporting period, and then generate a copy of their training report. Next, by the specified dates, grantees deliver this performance report and their non-structured narrative report, which explains additions, deletions, changes, and redirections of training objectives or activities, to CDC's Procurement and Grants Office.

The information obtained from the on-line performance reporting system will help the CDC meet its evaluation objectives. No proprietary items or sensitive information will be collected. There is no cost to respondents other than their time. The total estimated annualized burden hours are 26.

*Estimate of Annualized Burden Table*

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Project Organizations .....	10	2	77/60

Dated: February 2, 2006.

**Betsey Dunaway,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. E6-1828 Filed 2-9-06; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Advisory Committee to the Director, Centers for Disease Control and Prevention: Notice of Charter Renewal**

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Advisory Committee to the Director, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through February 1, 2008.

*For further information contact:* Lynn Austin, Ph.D., Executive Secretary, Advisory Committee to the Director, Centers for Disease Control and Prevention, Department of Health and Human Services, 1600 Clifton Road, NE., M/S D-14, Atlanta, Georgia 30333, telephone 404-639-7000 or fax 404/498-7111.

The Director, Management and Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 2, 2006.

**Diane Allen,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 06-1202 Filed 2-9-06; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Office of the Chief Science Officer; The Ethics Subcommittee of the Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC), and the Public Health Ethics Committee, Office of the Chief Science Officer, CDC**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), CDC announces the following committee meeting.

*Name:* Joint Meeting of the Ethics Subcommittee, ACD, CDC, and CDC's Public Health Ethics Committee.

*Time and Date:* 9 a.m.-3:30 p.m., February 16, 2006.

*Place:* CDC Global Communications Center (Building 19), 1600 Clifton Road, Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people.

*Purpose:* The meeting will provide a report on the progress of CDC's efforts to increase the capacity of public health ethics, to manage issues involving public health ethics, and to identify the current and future public health ethics needs and priorities at CDC.

*Matters To Be Discussed:* Agenda items will include highlights of public health activities in 2005; public health ethics at CDC in 2006 and the future; a report on the Pandemic Influenza Planning consultation; public health ethics challenges (focus on science); and a discussion on needs, priorities, and action steps.

Agenda items are subject to change as priorities dictate.

Due to administrative issues that had to be resolved, the **Federal Register** notice is being published less than fifteen days before the date of the meeting.

*Contact Person For More Information:* Jan Devier, Dr.P.H., M.P.A., Health Scientist and Senior Advisor, Science Vision and Alliances Team, Office of the Chief Science Officer, 1600 Clifton Road, NE., M.S. D-50, Atlanta, Georgia 30333. Telephone (404) 639-4690.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for

both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 6, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E6-1822 Filed 2-9-06; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Advisory Committee on Immunization Practices: Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announce the following Federal Committee meeting.

*Correction:* To include a Vaccines for Children vote on influenza.

*Name:* Advisory Committee on Immunization Practices (ACIP).

*Times and Dates:* 8 a.m.-6:15 p.m., February 21, 2006. 8 a.m.-5 p.m., February 22, 2006.

*Place:* Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Building 19, Room 232, Atlanta, Georgia 30333.

*For Further Information Contact:* Demetria Gardner, Epidemiology and Surveillance Division, National Immunization Program, CDC, 1600 Clifton Road, NE., (E-61), Atlanta, Georgia 30333, telephone 404/639-8096, fax 404/639-8616.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 6, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office Centers for Disease Control and Prevention.*

[FR Doc. E6-1823 Filed 2-9-06; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10167, CMS-10009, CMS-10001, and CMS-10079]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Competitive Acquisition Program (CAP) for Medicare Part B Drugs; CAP Physician Election Agreement; *Form Number:* CMS-10167 (OMB#: 0938-NEW); *Use:* Beginning in 2006, physicians will have a choice between acquiring and billing for Part B covered drugs under the Average Sales Price (ASP) drug payment methodology or electing to receive these drugs from vendors/suppliers selected for the CAP through a competitive bidding process. The provisions for this new payment system are described in the proposed rule (42 CFR Part 414 Subpart K) published March 4, 2005 (70 FR 10746), the interim final rule published July 6, 2005 (70 FR 39022), and a final rule (CMS-1502-FC) that published on November 21, 2005. Competitive bidding is seen as a means of using the dynamics of the marketplace to provide incentives for suppliers to provide reasonably priced products and services of high quality in an efficient manner. The CAP's objectives include the following: (1) To provide an alternative method for physicians to obtain Part B drugs to administer to Medicare

beneficiaries; and (2) to reduce drug acquisition and billing burdens for physicians.; *Frequency:* Reporting—Annually; *Affected Public:* Business or other-for-profit; *Number of Respondents:* 10,000; *Total Annual Responses:* 10,000; *Total Annual Hours:* 20,000.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* HIPAA Nondiscrimination Provisions (Regulation HCFA 2078-P); *Form Number:* CMS-10009 (OMB#: 0938-819); *Use:* The provisions of Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) are designed to make it easier for people to get access to health care coverage, to reduce the limitations that can be put on the coverage, and to make it more difficult for issuers to terminate the coverage. Title I provisions are divided into group and individual market protections. The group provisions apply to employment-related group health plans and to the issuers who sell insurance in connection with group health plans. Section 2702 of the Public Health Service Act (PHS Act—the HIPAA nondiscrimination provisions) establish rules generally prohibiting group health plans and group health insurance issuers from discriminating against individual participants or beneficiaries based on any health factor of such participants or beneficiaries; *Frequency:* Third party disclosure, Reporting—Annually; *Affected Public:* Business or other-for-profit, Individuals or Households, Not-for-profit institutions, Federal government, and State, Local, or Tribal Government; *Number of Respondents:* 2600; *Total Annual Responses:* 2600; *Total Annual Hours:* 100.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* HIPAA Nondiscrimination Provisions (Regulation HCFA 2022-IFC); *Form Number:* CMS-10001 (OMB#: 0938-827); *Use:* The provisions of Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) are designed to make it easier for people to access health care coverage; to reduce the limitations that can be put on the coverage; and to make it more difficult for issuers to terminate the coverage. Title I provisions are divided into group and individual market protections. The group provisions apply to employment-related group health plans and to the issuers who sell insurance in connection with group health plans. Section 2702 of the Public Health

Service Act (PHS Act) (the HIPAA nondiscrimination provisions) establish rules generally prohibiting group health plans and group health insurance issuers from discriminating against individual participants or beneficiaries based on any health factor of such participants or beneficiaries; *Frequency:* Third party disclosure, Reporting—Annually; *Affected Public:* Business or other-for-profit, Individuals or Households, Not-for-profit institutions, Federal government, and State, Local, or Tribal Government; *Number of Respondents:* 18; *Total Annual Responses:* 18; *Total Annual Hours:* 194.

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Hospital Wage Index—Occupational Mix Survey and Supporting Regulations in 42 CFR 412.230, 412.304, and 413.65; *Form Number:* CMS-10079 (OMB#: 0938-0907); *Use:* Section 304 of the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 requires CMS to collect wage data on hospital employees by occupational category, at least once every 3 years in order to construct an occupational mix adjustment to the wage index. CMS first collected occupational mix survey data in 2003 for the FY 2005 wage index. The next data collection is occurring in 2006 for the FY 2008 wage index. In response to industry comments suggesting ways to improve the occupational mix survey, CMS has revised the survey. The purpose of the occupational mix adjustment is to control for the effect of hospitals' employment choices on the wage index. For example, hospitals may choose to employ different combinations of registered nurses, licensed practical nurses, nursing aides, and medical assistants for the purpose of providing nursing care to their patients. The varying labor costs associated with these choices reflect hospital management decisions rather than geographic differences in the costs of labor. Each of the approximately 3,800 acute care hospital inpatient prospective payment system (IPPS) providers participating in the Medicare program will be required to complete the 2006 Medicare Wage Index Occupational Mix Survey. The initial survey will be forwarded via email to all of CMS's fiscal intermediaries; *Frequency:* Reporting—Other, Triennially; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:*

3,800; *Total Annual Responses*: 3,800; *Total Annual Hours*: 608,000.

To obtain copies of the supporting statement and any related forms for these paperwork collections referenced above, access CMS Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov), or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB Desk Officer at the address below, no later than 5 p.m. on *March 13, 2006*. OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, CMS Desk Officer, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 3, 2006.

**Michelle Shortt,**

*Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. E6-1819 Filed 2-9-06; 8:45 am]

BILLING CODE 4120-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-359, 360, R-55; CMS-368, R-144; and CMS-643]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

**1. Type of Information Collection Request:** Extension of a currently approved collection; **Title of Information Collection:** Comprehensive Outpatient Rehabilitation Facility (CORF) Eligibility and Survey Forms and Information Collection Requirements at 42 CFR 485.56, 485.58, 485.60, 485.64, 485.66 and 410.105; **Use:** In order for a provider to participate in the Medicare program as a CORF, a provider must meet the Federal conditions of participation. The form CMS-359 is utilized as an application for facilities wishing to participate in the Medicare/Medicaid program as CORFs. This form initiates the process of obtaining a decision as to whether the conditions of participation are met. The form CMS-360 is an instrument used by the State survey agency to record data collected in order to determine the provider compliance with individual conditions of participation and to report it to the Federal government; **Form Numbers:** CMS-359, 360, R-55 (OMB#: 0938-0267); **Frequency:** Reporting—On occasion; **Affected Public:** State, Local, or Tribal government and Business or other for-profit; **Number of Respondents:** 630; **Total Annual Responses:** 630; **Total Annual Hours:** 300,046.

**2. Type of Information Collection Request:** Revision of a currently approved collection; **Title of Information Collection:** State Medicaid Drug Rebate; **Use:** Section 1927 of the Social Security Act requires each State Medicaid agency to report quarterly prescription drug utilization information to drug manufacturers and to the Centers for Medicare and Medicaid Services. As part of this information, the State Medicaid agencies are required to report the total Medicaid rebate amount they claim they are owed by each drug manufacturer for each covered prescription drug product each quarter; **Form Numbers:** CMS-368, R-144 (OMB#: 0938-0582); **Frequency:** Reporting—Quarterly; **Affected Public:** State, Local, or Tribal government; **Number of Respondents:** 51; **Total Annual Responses:** 204; **Total Annual Hours:** 9,389.

**3. Type of Information Collection Request:** Extension of a currently approved collection; **Title of Information Collection:** Hospice Survey and Deficiencies Report Form and Supporting Regulations at 42 CFR 442.30 and 488.26; **Use:** In order to participate in the Medicare program, a hospice must meet certain Federal health and safety conditions of

participation. This form is used by State surveyors to record data about a hospice's compliance with these conditions of participation in order to initiate the certification or recertification process; **Form Number:** CMS-643 (OMB#: 0938-0379); **Frequency:** Reporting—Annually; **Affected Public:** Not-for-profit institutions and Business or other for-profit; **Number of Respondents:** 2,293; **Total Annual Responses:** 475; **Total Annual Hours:** 238.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov), or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on April 11, 2006. CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—A, Attention: Melissa Musotto (CMS-359, 360, R-55; CMS-368, R-144; and CMS-643) Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: January 31, 2006.

**Michelle Shortt,**

*Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. E6-1820 Filed 2-9-06; 8:45 am]

BILLING CODE 4120-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2004D-0369]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recommendations for the Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of

information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

**DATES:** Fax written comments on the collection of information by March 13, 2006.

**ADDRESSES:** OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that comments be faxed to the Office of Information and Regulatory Affairs, OMB. Attn: Fumie Yokota, Desk Officer for FDA. FAX: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:**

Jonna Capezuto, Office of Management Programs (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Recommendations for the Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use**

Since 1992, when FDA issued its Statement of Policy: Foods Derived from New Plant Varieties (57 FR 22984, May 29, 1992), FDA has encouraged developers of new plant varieties, including those varieties that are developed through biotechnology, to consult with FDA early in the development process to discuss possible scientific and regulatory issues that might arise. The current guidance continues to foster early communication by encouraging developers to submit to FDA their evaluation of the food safety of their new protein. Such communication helps to ensure that any potential food safety issues regarding a new protein in a new plant variety are resolved early in development, prior to any possible inadvertent introduction into the food supply of material from that plant variety.

FDA believes that any food safety concern related to such material entering the food supply would be limited to the potential that a new protein in food from the plant variety could cause an allergic reaction in susceptible individuals or could be a toxin. This guidance describes the procedures for early food safety evaluation of new proteins in new plant varieties, including bioengineered food plants, and the procedures for

communicating with FDA about the safety evaluation.

In the **Federal Register** of November 24, 2004 (69 FR 68381), FDA published a notice of availability with a 60-day comment period requesting public comment on the collection of information in FDA's draft guidance document titled, "Guidance for Industry: Recommendations for the Early Food Safety Evaluation of New Non-Pesticidal Proteins Produced by New Plant Varieties Intended for Food Use."

*Nonresponsive comments*

FDA received approximately 5,000 letters in response to the November 24, 2004, notice. However, many of these letters contained comments that were not responsive to the PRA questions. For example, several comments expressed the following opinions: The collection of information was insufficient to ensure safety; the agency might not be able to commit sufficient resources to performing early food safety reviews without having to redirect resources from other tasks; the decision should not be left to the developer regarding when to submit an early food safety evaluation to the agency; and the objectivity and scientific expertise of the individuals evaluating the information may be inadequate.

(Response) These comments are general comments directed to the adequacy of the guidance, rather than specific comments relevant to the collection of information; therefore, these non-responsive comments will not be addressed in this document.

*Responsive comments*

FDA received several letters with specific comments responsive to the comment request concerning the proposed information collection in the notice. The comments and FDA's responses follow.

(Comment 1) Several comments were supportive of the information collection, stating that the information collection was necessary for FDA to fulfill statutory requirements to protect the safety of the food supply. Relevant to the minimization of burden, several of these comments also noted that the information collection was appropriately limited in scope to prevent duplicative submissions among Federal agencies.

(Response) These comments provide support for the utility of the information collection and confirm that the collection will not result in a duplicative information collection among Federal agencies.

(Comment 2) One comment suggested that FDA should minimize the burden on developers by referencing in the guidance the availability of public protein databases that could be useful in the evaluation of allergen or toxin homology.

(Response) FDA does not want to reference or list the various databases because to do so would imply that FDA is endorsing any or all of them. FDA finds that there are several databases in the public domain that are easily obtained through the internet, are known in the scientific community, and are in common use by developers of bioengineered crops.

(Comment 3) One comment suggested that FDA could minimize the burden of the proposed collection of information by clarifying that a weight of the evidence approach is applied to the assessment of potential allergenicity of a new protein. The comment further suggested that alternative methods and protocols be considered in the evaluation of the allergenicity of new proteins.

(Response) FDA's guidance does not state that a weight of the evidence approach will be applied to the evaluation. The guidance describes a case-by-case evaluation that recognizes that different pieces of information may have varying importance for the food safety evaluation depending on the characteristics of the protein. As stated in the guidance, developers are free to use alternative approaches in their evaluations. The comment fails to explain how a weight of the evidence approach would reduce the burden under the PRA.

(Comment 4) One comment suggested as an approach to minimize burden on developers that FDA treat highly similar proteins as a family of proteins, if they differ only by a few amino acids but retain the same function, rather than evaluating each protein individually, though the comment further suggests that certain aspects of a protein may be evaluated individually.

(Response) FDA notes that the guidance is intended to consider specific proteins, not protein families. FDA further notes that even small changes in amino acid sequence may alter a protein, and these small differences could also have implications for food safety. However, if there is relevant information contained in a previous submission, that information can be incorporated by reference into a current submission for a new protein evaluation.

(Comment 5) One comment suggested as a means of minimizing burden of the proposed collection of information that

FDA provide standard forms or formats for certain elements of the submission (e.g., bioinformatics reports). The comment also suggested minimizing burden by making greater use of electronic submissions.

(Response) FDA has considered the use of standardized forms or formats and at this time does not believe that their use would reduce the burden of the information collection. The use of standardized forms could discourage alternative approaches for the presentation of data in an evaluation that might more clearly or thoroughly set forth the data. Developers will have access to the forms and formats used by previous submitters and are free to use them; thus, at this time we do not perceive a need for a standardized form. Based on its experience in evaluation of submissions FDA will in the future revisit whether the use of standardized forms and formats would be advantageous to developers.

With respect to electronic submissions, FDA states in the guidance that electronic submissions are acceptable, but one paper copy is also requested. Efforts are underway at FDA to convert in the future to a submission process that is entirely electronic.

(Comment 6) One comment stated that a way to enhance the quality, utility, and clarity of the information to be collected is to follow guidance available from the Codex Alimentarius. Although the comment did not specify which guidance from the Codex Alimentarius FDA should follow, FDA believes that the comment is referring to the Codex Alimentarius "Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants" (CAC/GL 45-2003) (the Codex Plant Guideline), containing "Annex: Assessment of Possible Allergenicity" (the Codex Allergenicity Annex). The comment also stated that

FDA should make Codex guidance a mandatory part of its guidance.

(Response) FDA agrees in part and disagrees in part. FDA notes that its recommendations in this guidance are consistent with the approach recommended in the Codex Plant Guideline. In fact, FDA references the Codex Plant Guideline as a resource to be consulted by a developer in evaluating the food safety of a new protein. However, FDA notes that the Codex Plant Guideline addresses a broad range of issues associated with food safety assessment of food derived from bioengineered plants. While FDA's guidance is consistent with the Codex Plant Guideline, it does not address the entire broad range of issues as that document. FDA's guidance is focused on the food safety issues that might arise from the intermittent, low-level presence of material from a plant being developed for food and feed use. FDA believes that any potential risk from the intermittent, low level presence of such material in the food supply would be limited to the food safety of the new proteins. FDA references the Codex Plant Guideline, paragraphs 34-43 under Expressed Substances (non-nucleic acid substances) and the Codex Allergenicity Annex, for that component of the safety review.

FDA disagrees with the comment's suggestion that the agency make the Codex Plant Guideline a mandatory part of its guidance. While FDA believes that the Codex Plant Guideline and the Codex Allergenicity Annex are useful documents, it recognizes that other approaches may also be appropriate.

(Comment 7) One comment stated that while the information to be collected is essential and important for FDA to obtain, the information is inadequate to fulfill FDA's "stated and mandated goals," and therefore it is of questionable utility.

(Response) FDA disagrees. The guidance is properly focused on the

food safety assessment of a new protein produced in a new plant variety when there might be a low level, intermittent presence of material from a plant being developed for food. Although the commenter would like more information to be presented for FDA review at this stage, FDA notes that more information is not necessary because the information that the guidance recommends a developer collect and present to FDA as part of a food safety evaluation of a protein is adequate for the specific assessment that FDA is making at this stage. FDA recommends that a broader scope of information be presented to FDA for review at subsequent evaluation stages. For example, when a developer utilizes the recommendations articulated in FDA's guidance entitled, "Consultation Procedures for New Plant Varieties" (available at <http://www.cfsan.fda.gov/~lrd/consulpr.html>), FDA expects that significantly more information will be presented during the consultation.

(Comment 8) Several comments challenged the accuracy of FDA's estimate of the burden of the proposed collection of information. These comments opined that FDA should collect more extensive information than what is proposed in the guidance, and they concluded, therefore, that FDA had underestimated the burden of the proposed information collection. The comments did not challenge the accuracy of the burden estimate for the information as proposed in the guidance.

(Response) FDA notes that the comments did not challenge the accuracy of FDA's estimate, rather they challenged what FDA recommends in the guidance. FDA believes that the estimate of the burden of the proposed collection of information is accurate.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
First four data components	20	1	20	4	80
Two other data components	20	1	20	16	320
Total					400

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

#### One Time Burden

Completing an early food safety evaluation for a new protein from a new plant variety will be a one-time burden

(one evaluation per new protein). FDA cannot know how many developers will choose to complete an early food safety evaluation for their new plant protein.

Many developers of novel plants may choose not to submit an evaluation because the field testing of a plant containing a new protein is conducted



in such a way (e.g., on such a small scale, or in such isolated conditions, etc.) that cross-pollination with traditional crops or commingling of plant material is not likely to be an issue. Also, other developers may have previously communicated with FDA about the food safety of a new plant protein, for example, when the same protein was expressed in a different crop.

FDA scientists predict that this draft guidance will generate about 20 to 150 early food safety evaluations yearly. While there is uncertainty as to the number of developers who will choose to submit an evaluation, FDA estimates that the annual number of early food safety evaluations will be closer to the lower bound estimate of 20 evaluations rather than the upper bound estimate of 150 evaluations. This estimation is supported by the fact that on average there have been nine initial biotechnology consultations per year. An initial biotechnology consultation has traditionally been the first discussion between a developer and FDA about a food made from a new bioengineered plant variety; it is usually bioengineered varieties of plants that are the subject of a consultation with FDA.

#### Evaluation Components

The early food safety evaluation for new proteins includes six main data components. Four of these data components are easily and quickly obtainable, having to do with the identity and source of the protein. FDA estimates that completing these data components will take about 4 hours per evaluation. In table 1 of this document, row 1 shows that for 20 evaluations, the total burden for these 4 data components is 80 hours.

Two data components ask for original data to be generated. One data component consists of a bioinformatics analysis which can be performed using publicly available databases. The other data component involves 'wet' lab work to assess the new protein's stability and the resistance of the protein to enzymatic degradation using

appropriate in vitro assays (protein digestibility study).

The paperwork burden of these two data components consists of the time it takes the company to put together the information on these two data components to submit to FDA. We estimate that these two data components will take 16 hours to complete (8 hours for each component). In Table 1 of this document, row 2 shows that for 20 evaluations, the total burden for these two data components is 320 hours.

Dated: February 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6-1806 Filed 2-9-06; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005N-0296]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Financial Disclosure by Clinical Investigators

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. **DATES:** Fax written comments on the collection of information by March 13, 2006.

**ADDRESSES:** OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs,

OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Karen Nelson, Office of Management Programs (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1482.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

#### Financial Disclosure by Clinical Investigators—(OMB Control Number 0910-0396)—Extension

Respondents are sponsors of marketing applications that contain clinical data from studies covered by the regulations. These sponsors represent pharmaceutical, biologic and medical device firms. The applicant will incur reporting costs in order to comply with the final rule. Applicants will be required to submit, for example, the complete list of clinical investigators for each covered study, not employed by the applicant and/or sponsor of the covered study, and either certify to the absence of certain financial arrangements with clinical investigators or disclose the nature of those arrangements to FDA and the steps taken by the applicant or sponsor to minimize the potential for bias. The clinical investigator will have to supply information regarding financial interests or payments held in the sponsor of the covered study. FDA has said that it has no preference as to how this information is collected from investigators and that sponsors/applicants have the flexibility to collect the information in the most efficient and least burdensome manner that will be effective. FDA estimated that the total reporting costs of sponsors would be less than \$450,000 annually. Costs could also occur after a marketing application is submitted if FDA determines that the financial interests of an investigator raise significant questions about the integrity of the data.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours Per Response	Total Hours
54.4(a)(1) and (a)(2)	1,000	1	1,000	5	5,000
54.4(a)(3)	100	1	100	20	2,000
54.4	46,000	.25	11,500	.1	11,500
Total					18,500

<sup>1</sup>There are no capital cost or operating and maintenance costs associated with this collection of information.

The sponsors of covered studies will be required to maintain complete records of compensation agreements with any compensation paid to nonemployee clinical investigators, including information showing any financial interests held by the clinical investigator, for a time period of 2 years

after the date of approval of the applications. This time is consistent with the current recordkeeping requirements for other information related to marketing applications for human drugs, biologics, and medical devices. Currently, sponsors of covered studies must maintain many records

with regard to clinical investigators, including protocol agreements and investigator resumes or curriculum vitae. FDA estimates that an average of 15 minutes will be required for each recordkeeper to add this record to clinical investigators' file.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1</sup>

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours Per Recordkeeper	Total Hours
54.6	1,000	1	1,000	.25	250
Total					250

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of August 25, 2005 (70 FR 49928), FDA announced the availability of the draft guidance and requested comments for 60 days on the information collection. No comments were received regarding this information collection.

Dated: February 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6-1807 Filed 2-9-06; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005N-0425]

**Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; General Administrative Procedures: Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by March 13, 2006.

**ADDRESSES:** OMB is still experiencing significant delays in the regular mail, including first class and express mail, and messenger deliveries are not being accepted. To ensure that comments on the information collection are received, OMB recommends that written

comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: Fumie Yokota, Desk Officer for FDA, FAX: 202-395-6974.

**FOR FURTHER INFORMATION CONTACT:** Jonna Capezzuto, Office of Management Programs (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**General Administrative Procedures: Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions—(OMB Control Number 0910-0183)—Extension**

The Administrative Procedures Act (5 U.S.C. 553(e)), provides that every agency shall give an interested person the right to petition for issuance, amendment, or repeal of a rule. Under part 10 (21 CFR part 10), § 10.30 sets forth the format and procedures by which an interested person may submit to FDA, in accordance with § 10.20 (submission of documents to the Division of Dockets Management (DDM)), a citizen petition requesting the Commissioner of Food and Drugs (the Commissioner) to issue, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action.

The Commissioner may grant or deny such a petition, in whole or in part, and may grant such other relief or take other action as the petition warrants. Respondents are individuals or households, State or local governments, not-for-profit institutions, and businesses or other for-profit institutions or groups.

Section 10.33, issued under section 701(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C.

371(a)), sets forth the format and procedures by which an interested person may request reconsideration of part or all of a decision of the Commissioner in a petition submitted under § 10.25 (initiation of administrative proceedings). A petition for reconsideration must contain in a well-organized format a full statement of the factual and legal grounds upon which the petition relies. The grounds must demonstrate that relevant information and views contained in the administrative record were not previously or not adequately considered by the Commissioner. The respondent must submit a petition no later than 30 days after the decision has been made. However, the Commissioner may, for good cause, permit a petition to be filed after 30 days. An interested person who wishes to rely on information or views not included in the administrative record shall submit them with a new petition to modify the decision. FDA uses the information provided in the request to determine whether to grant the petition for reconsideration. Respondents to this collection of information are individuals or households, State or local governments, not-for-profit institutions, and businesses or other for-profit institutions who are requesting a reconsideration of a matter from the Commissioner.

Section 10.35, issued under section 701(a) of the act, sets forth the format and procedures by which an interested person may request, in accordance with § 10.20 (submission of documents to DDM), the Commissioner to stay the effective date of any administrative action.

Such a petition must provide the following information: (1) The decision involved; (2) the action requested, including the length of time for which a stay is requested; and (3) a statement

of the factual and legal grounds on which the interested person relies in seeking the stay. FDA uses the information provided in the request to determine whether to grant the petition for a stay of action. Respondents to this information collection are interested persons who choose to file a petition for an administrative stay of action.

Section 10.85, issued under section 701(a) of the act, sets forth the format and procedures by which an interested

person may request, in accordance with § 10.20 (submission of documents to the DDM), an advisory opinion from the Commissioner on a matter of general applicability. An advisory opinion represents the formal position of FDA on a matter of general applicability. When making a request, the petitioner must provide a concise statement of the issues and questions on which an opinion is requested, and a full statement of the facts and legal points

relevant to the request. Respondents to this collection of information are interested persons seeking an advisory opinion from the Commissioner on the agency's formal position for matters of general applicability.

In the *Federal Register* of November 16, 2005 (70 FR 69574), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
10.30	156	3	468	12	5,616
10.33	10	2	20	10	200
10.35	13	2	26	10	260
10.85	2	1	2	16	32
Total					6,108

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: February 6, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6-1846 Filed 2-9-06; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005P-0104]

#### Determination That PEPTAVLON (Pentagastrin) for Subcutaneous Injection, 0.25 Milligrams per Milliliter, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined that PEPTAVLON (pentagastrin) for subcutaneous injection, 0.25 milligrams (mg) per milliliter (mL), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for pentagastrin for subcutaneous injection, 0.25 mg/mL.

**FOR FURTHER INFORMATION CONTACT:** Tawni B. Schwemer, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-594-2041.

**SUPPLEMENTARY INFORMATION:** In 1984, Congress enacted the Drug Price Competition and Patent Term

Restoration Act of 1984 (Public Law 98-417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the "listed drug," which is typically a version of the drug that was previously approved. Sponsors of ANDAs do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the "Approved Drug Products With Therapeutic Equivalence Evaluations," which is generally known as the "Orange Book." Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

PEPTAVLON for subcutaneous injection is the subject of approved NDA 17-048 held by Wyeth Ayerst Laboratories (Wyeth Ayerst). PEPTAVLON (pentagastrin) for subcutaneous injection is a testing agent

to help diagnose problems or diseases of the stomach. This test determines how much acid a patient's stomach produces.

PEPTAVLON for subcutaneous injection, 0.25 mg/mL, was approved on July 26, 1974. Wyeth Ayerst ceased manufacture of PEPTAVLON for subcutaneous injection, 0.25 mg/mL, in March 2002, and requested that FDA withdraw approval of the NDA (68 FR 49481, August 18, 2003). Therefore, it was moved from the "Prescription Drug Product List" to the "Discontinued Drug Product List" section of the Orange Book. The "Discontinued Drug Product List" delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

Under 21 CFR 314.161(a)(3), the agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness when a person petitions for such a determination under 21 CFR 10.25(a) and § 10.30 (21 CFR 10.30).

Arnall Golden Gregory LLP submitted a citizen petition dated March 7, 2005 (Docket No. 2005P-0104/CP1), under § 10.30, requesting that the agency determine whether PEPTAVLON (pentagastrin) for subcutaneous injection, 0.25 mg/mL, was withdrawn from sale for reasons of safety or effectiveness. After considering the citizen petition and reviewing agency records, FDA has determined that PEPTAVLON for subcutaneous injection, 0.25 mg/mL, approved under NDA 17-048, was not withdrawn from sale for reasons of safety or effectiveness. The petitioner identified

no data or other information suggesting that PEPTAVLON (pentagastrin) for subcutaneous injection, 0.25 mg/mL, was withdrawn from sale as a result of safety or effectiveness concerns. FDA's independent evaluation of relevant literature and data has not uncovered anything that would indicate that this product was withdrawn for reasons of safety or effectiveness. Accordingly, the agency will continue to list PEPTAVLON (pentagastrin) for subcutaneous injection, 0.25 mg/mL, in the "Discontinued Drug Product List" section of the Orange Book. ANDAs that refer to PEPTAVLON for subcutaneous injection, 0.25 mg/mL, may be approved by the agency.

Dated: February 2, 2006.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E6-1847 Filed 2-9-06; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[CGD08-06-003]

#### Houston/Galveston Navigation Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

**SUMMARY:** The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) and its working groups will meet to discuss waterway improvements, aids to navigation, area projects impacting safety on the Houston Ship Channel, and various other navigation safety matters in the Galveston Bay area. All meetings will be open to the public.

**DATES:** The next meeting of HOGANSAC will be held on Thursday, February 23, 2006 at 1 p.m. The meeting of the Committee's working groups will be held on Thursday, February 9, 2006 at 9 a.m. The meetings may adjourn early if all business is finished. Members of the public may present written or oral statements at either meeting. Requests to make oral presentations or distribute written materials at the full HOGANSAC meeting should reach the Coast Guard five (5) working days before that meeting. Requests to have written materials distributed to each member of the full committee in advance of their meeting should reach the Coast Guard at least ten (10) working days before the full HOGANSAC meeting.

**ADDRESSES:** The full Committee meeting will be held at the Charles P. Doyle

Convention Center, 2010 5th Avenue North, Texas City, Texas 77590, (409-948-3111). The working groups meeting will be held at Coast Guard Sector Houston-Galveston, 9640 Clinton Dr. Houston, TX 77029 (713-671-5100). This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Captain Richard Kaser, Executive Director of HOGANSAC, telephone (713) 671-5199, Commander Jerry Torok, Executive Secretary of HOGANSAC, telephone (713) 671-5164, or Lieutenant Junior Grade Kevin Cooper, Assistant to the Executive Secretary of HOGANSAC, telephone (713) 678-9001, e-mail [kcooper@grgalveston.uscg.mil](mailto:kcooper@grgalveston.uscg.mil). Written materials and requests to make presentations should be sent to Commanding Officer, Sector Houston/Galveston, Attn: LTJG Cooper, 9640 Clinton Drive, Houston, TX 77029.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

#### Agendas of the Meetings

*Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC).* The tentative agenda includes the following:

- (1) Opening remarks by the Committee Sponsor (RADM Duncan) or the Committee Sponsor's representative, Executive Director (CAPT Kaser) and Chairperson (Ms. Patricia Clark).
- (2) Approval of the October 18, 2005 minutes.
- (3) Old Business:
  - (a) Dredging projects.
  - (b) AtoN Knockdown Working Group.
  - (c) Navigation Operations subcommittee report.
  - (d) Area Maritime Security Committee Liaison's report.
  - (e) Technology subcommittee report.
  - (f) Deep draft Entry Facilitation Working Group.
  - (g) Port Coordination Team Updates.
  - (h) Limited Visibility Working Group.
  - (i) Liquefied Natural Gas Working Group.
- (4) New Business.
  - (a) Vessel Traffic Service State of the Waterways Address.
  - (b) Swearing in of new member.
  - (c) Other presentations/New business.

*Working Groups Meeting.* The tentative agenda for the working groups meeting includes the following:

- (1) Presentation by each working group of its accomplishments and plans for the future.
- (2) Review and discuss the work completed by each working group.

#### Procedural

Working groups have been formed to examine the following issues: Dredging and related issues, electronic navigation systems, AtoN knockdowns, impact of passing vessels on moored ships, boater education issues, facilitating deep draft movements and mooring infrastructure. Not all working groups will provide a report at this session. Further, working group reports may not necessarily include discussions on all issues within the particular working group's area of responsibility. All meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. Members of the public may make presentations, oral or written, at either meeting. Requests to make oral presentations or distribute written materials at the full HOGANSAC meeting should reach the Coast Guard five (5) working days before that meeting. Requests to have written materials distributed to each member of the full committee in advance of their meeting should reach the Coast Guard at least ten (10) working days before the full HOGANSAC meeting and should include fifteen (15) copies of the materials.

#### Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director, Executive Secretary, or Assistant to the Executive Secretary as soon as possible.

Dated: January 27, 2006.

R.F. Duncan,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 06-1276 Filed 2-7-06; 3:58 pm]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2006-23862]

#### Maritime Security Directive (MARSEC Directive) 104-6; Guidelines for U.S. Vessels Operating in High Risk Waters

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

**SUMMARY:** The Coast Guard announces the availability of MARSEC Directive 104-06. This MARSEC Directive provides guidelines for U.S. vessels operating in high risk waters. Information within this MARSEC

Directive is designated Sensitive Security Information (SSI) and is not subject to public release.

**DATES:** The MARSEC Directive will be available on February 10, 2006.

**ADDRESSES:** This MARSEC Directive is available at the following Captain of the Port (COTP) offices:

Boston; Tel (617) 223-3000, 455 Commercial St., Boston, MA 02109-1096.  
 Portland; Tel (207) 767-0320, 259 High Street, South Portland, ME 04106.  
 Providence; Tel (401) 435-2300, 20 Risho Ave. East, Providence, RI 02914-1208.  
 Long Island Sound; Tel (203) 468-4401, 120 Woodward Ave., New Haven, CT 06512-3698.  
 New York; Tel (718) 354-4353, 212 Coast Guard Dr., Staten IIs, NY 10305.  
 Baltimore; Tel (410) 576-2561, 2401 Hawkins Point Rd, Baltimore, MD 21226-5000.  
 Philadelphia; Tel (215) 271-4800, One Washington Ave., Philadelphia, PA 19147-4395.  
 Hampton Roads; Tel (757) 668-5555, 4000 Coast Guard Blvd., Portsmouth, VA 23703.  
 Wilmington; Tel (910) 772-2200, 721 Medical Center Dr., Wilmington, NC 28401.  
 Miami; Tel (305) 535-5300, 100 MacArthur Cswy, Miami, FL 33139.  
 Tampa; Tel (813) 228-2191, 155 Columbia Dr., Tampa, FL 33606-3598.  
 Jacksonville; Tel (904) 232-2640, 7820 Arlington Expy, Suite 400, Jacksonville, FL 32211-7445.  
 Savannah; Tel (912) 652-4353, Juliette G. Low Federal Bldg., 100 W. Oglethorpe Ave., Suite 1017, Savannah, GA 31401.  
 Charleston; Tel (843) 724-7683, 196 Tradd St., Charleston, SC 29401-1817.  
 San Juan; Tel (787) 706-2400, P.O. Box 71526, San Juan, PR 00936-8626.  
 St. Louis; Tel (314) 539-3091, 1222 Spruce St., St. Louis, MO 63103-2835.  
 Memphis; Tel (901) 544-3912, #3 Auction Ave., Memphis, TN 38105.  
 Paducah; Tel (270) 442-1621, 225 Tully St. Paducah, KY 42003-0170.  
 Pittsburgh; Tel (412) 644-5808, Suite 1150, Kossman Bldg., 100 Forbes Ave., Pittsburgh, PA 15222-1371.  
 Huntington; Tel (304) 733-0198, 95 Peyton Street, Barboursville, WV 25504.  
 Louisville; Tel (502) 779-5400, 600 Martin Luther King Jr. Place Rm. 409-D, Louisville, KY 40202-2230.  
 Mobile; Tel (251) 441-5960, BLDG 101, Brookley Complex, Mobile, AL 36615.

Corpus Christi; Tel (361) 888-3162, 555 N. Carancahua Street, Suite 500, Corpus Christi, TX 78478.

Port Arthur; Tel (409) 723-6500, 2901 Turtle Creek Drive, Suite 200, Port Arthur, TX 77642.

Houston-Galveston; Tel (713) 671-5100, 9640 Clinton Drive, Galena Park, TX 77029.

New Orleans; Tel (504) 589-6196, 1615 Poydras St. #77, New Orleans, LA 70112-1254.

Morgan City; Tel (985) 380-5305, 800 David Dr., Rm. 232 Morgan City, LA 70380-1304.

Sault Ste. Marie; Tel (906) 635-3220, 337 Water Street, Sault Ste. Marie, MI 49783-9501.

Chicago; Tel (630) 986-2155, 215 West 83rd St., Suite D, Burr Ridge, IL 60521-7059.

Milwaukee; Tel (414) 747-7155, 2420 S. Lincoln Memorial Dr., Milwaukee, WI 53207-1997.

Detroit; Tel (313) 568-9580, 110 Mt. Elliott Ave., Detroit, MI 48207-4380.

Toledo; Tel (419) 259-6372, 420 Madison Ave., Suite 700, Toledo, OH 43604-1265.

Cleveland; Tel (216) 937-0111, 1055 East Ninth St., Cleveland, OH 44114-1092.

Buffalo; Tel (716) 843-9570, 1 Fuhrmann Blvd., Buffalo, NY 14203-3189

Duluth; Tel (218) 720-5286, 600 S. Lake Ave., Duluth, MN 55802-2352.

San Diego; Tel (619) 278-7033, 2710 North Harbor Dr., San Diego, CA 92101-1064.

San Francisco Bay; Tel (510) 437-3135, Coast Guard Island, Bldg. 14 Alameda, CA 94501-5100.

Los Angeles-Long Beach; Tel (310) 732-2000, 1001 S. Seaside Ave, Bldg 20, San Pedro, CA 90731-0208.

Portland; Tel (503) 240-9310, 6767 N. Basin Ave., Portland, OR 97217-3992.

Puget Sound; Tel (206) 217-6200, 1519 Alaskan Way South Bldg. 1, Seattle, WA 98134-1192.

Honolulu; Tel (808) 842-2660, 400 Sand Island Parkway, Honolulu, HI 96819-4398.

Guam; Tel (671) 339-2001, PSC 455, Box 176, FPO AP 96540-1056.

Anchorage; Tel (907) 271-6700, 510 L. St., Suite 100, Anchorage, AK 99501-1946.

Juneau; Tel (907) 463-2450, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801-8545.

Prince William Sound; Tel (907) 835-7200, P.O. Box 486, 105 Clifton Dr., Valdez, AK 99686-0486.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, contact LCDR Rob McLellan, Coast Guard, telephone 202-267-4129.

#### SUPPLEMENTARY INFORMATION:

##### What Action Is the Coast Guard Taking?

The Coast Guard is issuing MARSEC Directive 104-6 for those owners and operators of vessels subject to 33 CFR parts 101 and 104 to provide direction to U.S. flagged vessels operating in high risk areas where acts of piracy and armed robbery against ships is prevalent. Owners and operators have the primary responsibility for ensuring the security of their vessels. Owners and operators must include the performance standards listed in the MARSEC Directive in their vessel security plans.

The performance standards do not impose new industry requirements but provide supplemental direction to assist with the development of vessel security plans required by 33 CFR parts 101 and 104.

To ensure these performance standards are disseminated efficiently and consistently, Coast Guard Area/District Commanders and COTPs will notify appropriate owners and operators of vessels regulated under 33 CFR parts 101 and 104. The COTP or Area/District Commander will confirm, prior to distributing the MARSEC Directive, that the individual(s) is a "covered person" with a "need to know", and that the MARSEC Directive will be safeguarded as SSI as defined in 49 CFR part 1520.

Owners/operators of vessels regulated under 33 CFR parts 101 and 104 may also contact the local COTP to obtain a copy of the applicable MARSEC Directive. Local COTP contact information can be found in the **ADDRESSES** section of this notice.

##### Why Is the Coast Guard Taking This Action?

The Coast Guard is issuing this MARSEC Directive to assist owners and operators of the affected maritime industries in developing security procedures to deter acts of piracy and armed robbery at sea for incorporation into vessel security plans required by 33 CFR part 104.

The MARSEC Directive contains SSI. If disclosed, the SSI could be used to subvert or exploit the security programs of vessels. Therefore, this MARSEC Directive is not subject to public disclosure, in accordance with 46 U.S.C. 40119.

Dated: February 2, 2006.

**F. J. Sturm,**

*Captain, U.S. Coast Guard, Chief, Port and Facility Activities.*

[FR Doc. E6-1817 Filed 2-9-06; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY****Customs and Border Protection Bureau****Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties**

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties. For the calendar quarter beginning January 1, 2006, the interest rates for overpayments will be 6 percent for corporations and 7 percent for non-corporations, and the interest rate for underpayments will be 7 percent. This notice is published for the convenience of the importing public and Customs and Border Protection personnel.

**DATES:** Effective January 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ron Wyman, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614-4516.

**SUPPLEMENTARY INFORMATION:****Background**

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206, 112 Stat. 685) to provide different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the

first-month period of the previous quarter.

In Revenue Ruling 2005-78, the IRS determined the rates of interest for the calendar quarter beginning January 1, 2006, and ending March 31, 2006. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (4%) plus three percentage points (3%) for a total of seven percent (7%). For corporate overpayments, the rate is the Federal short-term rate (4%) plus two percentage points (2%) for a total of six percent (6%). For overpayments made by non-corporations, the rate is the Federal short-term rate (4%) plus three percentage points (3%) for a total of seven percent (7%). These interest rates are subject to change for the calendar quarter beginning April 1, 2006, and ending June 30, 2006.

For the convenience of the importing public and Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under payments (percent)	Over payments (percent)	Corporate overpayments (Eff. 1-1-99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4

Beginning date	Ending date	Under payments (percent)	Over payments (percent)	Corporate overpayments (Eff. 1-1-99) (percent)
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	033106	7	7	6

Dated: February 7, 2006.

**Deborah J. Spero,**

*Acting Commissioner, Customs and Border Protection.*

[FR Doc. 06-1230 Filed 2-9-06; 8:45 am]

BILLING CODE 9111-14-P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Drivers Licensed in Canada or Mexico Transporting Hazardous Materials Within the United States

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Notice.

**SUMMARY:** This Notice announces an extension of the deadline for implementation of Section 7105 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This provision requires operators of commercial motor vehicles registered to operate in Canada or Mexico who transport placarded loads of hazardous materials or any quantity of a material listed as a select agent or toxin in 42 CFR part 73 within the United States to undergo a background check similar to that required for U.S. operators with a hazardous materials endorsement. The Transportation Security Administration is extending the implementation deadline for the requirements under Section 7105 from February 10, 2006 to August 10, 2006, unless the Transportation Security Administration issues a Notice or other regulatory action before that date with an earlier date for implementing the requirements under the statute.

**DATES:** Effective upon publication in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Sadler, Director, Maritime and Surface Credentialing, Office of Transportation Threat Assessment and Credentialing, TSA-19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202-4220; telephone (571) 227-2492; facsimile

(703) 603-0409; e-mail [stephen.sadler@dhs.gov](mailto:stephen.sadler@dhs.gov).

**SUPPLEMENTARY INFORMATION:** On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)<sup>1</sup> was enacted. Section 7105 of the SAFETEA-LU provides that a commercial motor vehicle operator registered to operate in Canada or Mexico shall not operate a commercial motor vehicle transporting hazardous materials in commerce in the United States until the operator has undergone a background records check similar to that required of commercial motor vehicle operators licensed in the United States to transport hazardous materials in commerce. This requirement becomes effective 6 months after enactment of the SAFETEA-LU, which would be February 10, 2006. However, the statute also gives TSA the discretion to extend the implementation date an additional six months if necessary. This Notice announces TSA's decision to extend the implementation date until such time as TSA issues a separate notice or regulatory action to implement the SAFETEA-LU requirements, but no later than August 10, 2006.

Accordingly, the effective date of section 7105 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) is extended to August 10, 2006, unless TSA issues a Notice or other regulatory action before that date with an earlier date for implementing the requirements under the statute.

Issued in Arlington, Virginia, on February 6, 2006.

**Kip Hawley,**

*Assistant Secretary.*

[FR Doc. 06-1247 Filed 2-7-06; 1:47 pm]

BILLING CODE 4910-62-M

<sup>1</sup> Pub. L. 109-59, August 10, 2005, sec. 7105, codified at 49 U.S.C. 5103a(h).

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES-020-06-1320-EL]

#### Notice of Availability of the Environmental Assessment and Public Hearing for Coal Lease by Application KYES-50213

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of the Chas Coal LLC lease by application KYES-50213 environmental assessment and Federal coal notice of public hearing, and request for Environmental Assessment, Maximum Economic Recovery, and Fair Market Value comments.

**SUMMARY:** The Bureau of Land Management, Eastern States Office, Springfield, Virginia, hereby gives notice that an Environmental Assessment (EA) is available and a public hearing will be held to lease Federal coal pursuant to 43 Code of Federal Regulations (CFR) 3425.4. The EA analyzes and discloses direct, indirect, and cumulative environmental impacts of issuing competitively a Federal coal lease for 314.53 acres in the Daniel Boone National Forest (DBNF) Clay County, Kentucky. The purpose of the public hearing is to solicit comments from the public on (1) The proposal to issue a Federal coal lease; (2) the proposed competitive lease sale; (3) the Fair Market Value (FMV) of the Federal coal; and (4) Maximum Economic Recovery (MER) of the Federal coal included in the tracts.

**DATES:** Written comments must be post-marked by March 13, 2006 and provided to the BLM Jackson Field Office (listed below). The public hearing will be held at the Clay County Public Library on February 27, 2006 at 6 pm.

**ADDRESSES:** Written comments should be addressed to the Bureau of Land Management, Jackson Field Office, 411 Briarwood, Suite 404, Jackson, MS 39206 where copies of the EA are available upon request or for inspection. The public hearing will be held on

February 27, 2006 at 6 p.m. at the Clay County Public Library located at 211 Bridge Street, in Manchester, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** Stuart Grange, Bureau of Land Management, Jackson, Mississippi 39206, at (601) 977-5400.

**SUPPLEMENTARY INFORMATION:** On December 3, 1998 Chas Coal LLC submitted a lease by application serialized as KYES-50213. The coal in the LBA is to be developed by conventional underground methods. The tracts, designated 545b and 3094 Parcel 1 and Parcel 2 in the National Forest System, are located on the upper end of the Left Fork of Blue Hole Creek in southern Clay County on the DBNF and encompass 314.53 acres. Estimated recoverable federal reserves of bituminous coal from the Hazard No. 8 seam are 792,335 tons. The proximate analysis of the coal is as follows: 14,033 BTU/lb. with 2.12% moisture, 0.87 sulfur, 5.03 ash, 54.26 fixed carbon, and 38.58 volatile matter.

The EA consists of an analyst of environmental impacts that could result from leasing Federal coal and the alternatives. In accordance with the Federal coal management regulations 43 CFR 3422 and 3425, not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on the EA, FMV and MER of the tracts proposed to be offered for lease and on factors that may affect FMV and MER. In addition, notice is also given that a public hearing will be held on (insert hearing date) requesting comments on the EA, FMV, and MER.

Procedures for leasing Federal coal are provided by 43 CFR 3400. The United States Department of Agriculture Forest Service (lead agency) the Bureau of Land Management-Eastern States' Jackson Field Office, the U.S. Department of the Interior Office of Surface Mining, and the Kentucky Department of Surface Mining Reclamation and Enforcement, cooperative agencies, prepared a Land Use Analysis and Environmental Assessment (LUA/EA) to address coal lease application KYES-50213. The DBNF, Redbird Ranger District mailed scoping letters to all individuals on the district mailing list requesting public input on the LUA/EA in 1999, and again on May 28, 2004. Public Notices requesting input concerning this tract was published in the Manchester Enterprise, Manchester, Kentucky, on June 3, 2004, and June 10, 2004, and on the DBNF web site. The DBNF signed a Decision Record consenting to allow leasing and signed a Finding of No Significant Impact.

Comments on the EA, FMV, and MER should address, but are not limited to the following factors:

1. The method of mining to be employed in order to obtain MER;
2. The method of determining FMV for the coal to be offered;
3. The quality and quantity of the coal resource;
4. If this resource is likely to be mined as part of an existing mine;
5. The price that the mined coal would bring when sold;
6. Costs, including mining and reclamation, of producing the coal and the times of production and impacts the leasehold may have on the area;
7. Depreciation and other tax accounting factors;
8. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or with inflation, in which case the anticipated rate of inflation should be given;
9. Any comparable sales data of similar coal lands; and
10. Restrictions to mining which may affect coal recovery.

The values given above may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

As provided by 43 CFR 3422.1(a), proprietary data marked as confidential may be provided in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on FMV and MER, except those portions identified as proprietary and meeting exemptions stated in the Freedom of Information Act (FOIA), will be available for public inspection at the Bureau of Land Management office noted above.

If you wish to withhold your name or address from public review or from disclosure under the FOIA, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by the FOIA. All submissions from organizations, businesses and individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in its entirety.

**David Stout,**

*Acting Associate State Director, Eastern States.*

[FR Doc. E6-1870 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-GJ-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-080-05-1310-DB]

#### Notice of Availability of a Draft Environmental Impact Statement for the Greater Deadman Bench Region, Uintah County, UT

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act of 1976 (FLPMA) and associated regulations, the Bureau of Land Management (BLM) announces the availability of a Draft Environmental Impact Statement (DEIS) that evaluates, analyzes, and discloses to the public direct, indirect, and cumulative environmental impacts of a proposal to extract and transport natural gas and oil in Uintah County, Utah.

**DATES:** The DEIS will be available for review for 45 calendar days following the date that the Environmental Protection Agency publishes its NOA in the *Federal Register*. The BLM can best use comments and resource information submitted within this 45-day review period.

**ADDRESSES:** Written comments on the DEIS may be mailed directly or delivered to the BLM at: GDBR DEIS, Bureau of Land Management, Vernal Field Office, 170 South 500 East, Vernal, UT 84078. Comments may be submitted by facsimile to the Vernal Field Office at 435-781-4410. At this time BLM is unable to accept electronic comments. A copy of the DEIS has been sent to the affected Federal, State, and local government agencies, Indian Tribes and to interested parties. Copies of the DEIS are available for public inspection at the address above and the Bureau of Land Management Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101 and the Bureau of Land Management, Vernal Field Office, 150 South 500 East, Vernal, UT 84078.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Howard, Project Manager, BLM Vernal Field Office 170 South 500 East, Vernal, UT 84078. Ms. Howard may also be reached at 435-781-4400.

**SUPPLEMENTARY INFORMATION:** In response to a proposal submitted by Questar E&P (QEP), the BLM published in the December 19, 2003, *Federal Register* a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).



The Greater Deadman Bench Region (GDBR) involves approximately 98,785 acres located in Townships 6 to 8 South, Ranges 21 and 25 East, Salt Lake Base Meridian, about 20 miles south of Vernal, Uintah County, Utah. The DEIS analyzes the effects of a maximum natural gas and oil development scenario within the GDBR that is conceptual in nature. The final location of well pads, roads, and pipelines would be determined through future site-specific assessments required for each facility. QEP's proposal includes drilling an additional 1,020 natural gas and 219 oil wells and constructing associated ancillary transportation and transmission facilities within the project area. BLM-administered lands account for about 85% (83,860 acres) of surface and mineral estate lands within the BDGR. The State of Utah's Utah State School and Institutional Trust Lands Administration accounts for about 12% (1,440 acres) of surface and mineral estate lands; and the remaining 4% (3,470 acres) consists of various privately owned surface and mineral estate lands within the project area. QEP proposes to drill 1,239 wells at the rate of 100–120 wells per year over a period of 10 years, or until the resource base is fully developed. Of this total number, 891 wells would be drilled at new locations and 348 wells would be drilled from existing well pads.

As set out in the NOI, as of March 2003, the GDBR includes about 278 existing oil and water-injection wells producing from or injecting water into the Green River formation and 300 gas wells producing from the Wasatch formation. About 57 miles of primary roads and 314 miles of secondary roads have been constructed within the region. The new gas wells would be drilled to the Uinta, Green River, Wasatch, Mesaverde, Blackhawk/Mancos, and the Frontier/Dakota formations. The new oil wells would be drilled to the Green River formation.

The DEIS describes in detail and analyzes the impacts of QEP's Proposed Action and the No Action Alternative. The Proposed Action incorporates standard operating procedures and applicant-committed best management practices currently employed on BLM-administered public lands in the Uintah Basin that mitigate impacts to the environment. Six additional alternatives were considered but eliminated from detailed analysis. The following is a summary of the alternatives:

1. *Proposed Action*—Up to 1,020 natural gas and 219 oil wells would be drilled to the Uinta, Green River, Wasatch, Mesaverde Group, Blackhawk/Mancos and the Frontier/Dakota

formations. About 170 miles of new roads and 235 miles of pipelines, 22 new central tank facilities and 15 new gas compressor stations would be constructed to support this proposed development. At this time the Proposed Action is the BLM's preferred alternative.

2. *No Action Alternative*—Oil and gas development on Federal lands under the Proposed action would not be implemented. However some level of development would continue to occur under APDs previously approved by the authority of the 1985 Book Cliffs RMP. An additional 130 wells would be located on State of Utah and private leases.

3. *Alternatives Considered, But Eliminated From Further Analysis*—

a. No new development on Federal lands.

b. Suspension of operations for an extended period of time.

c. Exchange of leases.

d. Full-field directional Drilling.

e. Conventional oil and gas development.

f. Best Management Practices (BMP).

The public is encouraged to comment on any of these alternatives.

The BLM welcomes your comments on the Greater Deadman Bench Region DEIS. The BLM asks that those submitting comments make them as specific as possible with reference to chapters, page numbers, and paragraphs in the DEIS document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered as part of the BLM decision-making process. The most useful comments will contain new technical or scientific information, identify data gaps in the impact analysis, or will provide technical or scientific rationale for opinions or preferences. It is BLM's practice to make comments, including the names and street addresses of each respondent, available for public review at the BLM office listed above during business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except for Federal holidays. Your comments may be published as part of the EIS process. Individual respondents may request confidentiality.

If you wish to withhold your name or street address, or both, from public review, or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comments. Such requests will be honored to the extent allowed by law. BLM will not consider anonymous comments. All submissions from organizations or businesses will be

made available for public inspection in their entirety.

William Stringer,  
Vernal Field Manager.

[FR Doc. E6-1796 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-22-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-080-05-1310-EJ]

#### Notice of Intent To Prepare an Environmental Impact Statement for the Gasco Production Company Natural Gas Field Development, Duchesne and Uintah Counties, UT

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent to conduct public scoping and to prepare an Environmental Impact Statement (EIS) for the Gasco Natural Gas Field Development, Duchesne and Uintah Counties, Utah.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Vernal Field Office, Vernal, Utah, will prepare an EIS on the proposed expansion of existing natural gas field development operations. The EIS area encompasses approximately 236,165 acres predominately in the West Tavaputs Exploration and Development Area with some overlap into the Monument Butte-Red Wash, and East Tavaputs Exploration and Development Areas. The project is located primarily on BLM administered lands (203,357 acres). The project area also includes lands administered by the State of Utah (27,765 acres), and several private landowners (5,043 acres). Gasco has mineral lease rights underlying both the public and private lands. The Vernal Field Office Manager will be the authorized officer for this project.

**DATES:** This notice announces the public scoping process. A public scoping period of at least 30 days will commence on the date this notice is published in the *Federal Register*. Comments on issues, potential impacts, or suggestions for additional alternatives can be submitted in writing to the address listed below within 30 days of the date this Notice is published, or within 15 days after the last public meeting is held. Public open meetings will be conducted during the scoping period in Vernal, Duchesne, and Price, Utah. All public meetings will be announced through the local news media at least 15 days prior to the event.

In addition, formal opportunities for public participation will be provided through comment on the alternatives and upon publication of the BLM Draft EIS.

**ADDRESSES:** Written scoping comments should be sent to the Environmental Coordinator, Bureau of Land Management, Vernal Field Office, 170 South 500 East, Vernal, Utah 84078. ATTN: Gasco Field Development EIS; Fax 435-781-4410. Documents pertinent to this proposal may be examined at the Vernal Field Office located in Vernal, Utah. Comments, including names and street addresses of respondents, will be available for public review at the Vernal Field Office located in Vernal, Utah during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the EIS and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or to have your name added to our mailing list, contact Stephanie Howard, 435-781-4469.

**SUPPLEMENTARY INFORMATION:** Gasco Production Company proposes to expand its operations by drilling 1,538 wells within the Monument Butte-Red Wash, West Tavaputs, and East Tavaputs Exploration and Development Areas (as delineated in the Draft Vernal RMP) through the year 2020 based on a 40, 80, and 160 acre spacing pattern. This EIS is directly north of, but not related to, the West Tavaputs EIS that is ongoing in the Price Field Office BLM. Estimated new surface disturbance associated with the construction of well pads, new access roads, and pipelines would be approximately 10,302 acres. Existing roads within the project area and approximately 400 miles of newly constructed roads would provide the primary access routes to the new well sites. Approximately 525 miles of pipelines would be constructed and buried where conditions allow. Additional compression and processing

facilities will be required to accommodate the new wells.

Major issues include potential impacts to special status plants and animals, vegetation, socio-economics, cultural resources, air quality, and soils. The EIS will consider and analyze potential impacts of natural gas development at the levels projected by Gasco, or as refined during the scoping process. This analysis will include a site-specific evaluation of Gasco's proposal and an appropriate range of alternatives. Alternatives identified at this time include the proposed action and the no action alternatives. Additional alternatives such as application of additional mitigation measures based on best management practices and/or higher well density may be developed if necessary based on issues and concerns identified through the scoping process.

The management of BLM public lands and resources encompassed by the project area is directed and guided by the BLM's Record of Decision for the Diamond Mountain Resource Management Plan. The majority of the proposed project lies within an area that was previously partially developed for oil and gas production and is designated as Category 2 for oil and gas leasing by the BLM. Category 2 areas are those that are open to oil and gas leasing with stipulations to protect sensitive surface resources.

Dated: October 26, 2005.

**William Stringer,**

*Field Manager, Vernal Field Office.*

[FR Doc. E6-1868 Filed 2-9-06; 8:45 am]

**BILLING CODE 4310-DQ-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-027-1110-JM-H2KO; G-05-0219]

#### Notice of Availability of a Draft Environmental Impact Statement for the North Steens Ecosystem Restoration Project

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, the Federal Land Policy and Management Act of 1976, and the Steens Mountain Cooperative Management and Protection Act of 2000, the BLM has prepared a Draft Environmental Impact Statement to analyze and undertake the North Steens Ecosystem Restoration Project. The

proposed project area lies within the Steens Mountain Cooperative Management and Protection Area, designated by the Steens Mountain Cooperative Management and Protection Act of 2000, and the Andrews Management Unit, lands outside the boundary of the Cooperative Management and Protection Area but within the boundary of the Andrews Resource Area. The project is located in Harney County, Oregon, and affects approximately 336,000 acres of public and private lands.

The Draft Environmental Impact Statement evaluates five alternative management approaches including two No Action (continuation of current management and no treatment) Alternatives.

**DATES:** Written comments on the Draft Environmental Impact Statement will be accepted for 45 days following publication of the Environmental Protection Agency's Notice of Availability for this Draft Environmental Impact Statement in the **Federal Register**. Future public meetings and any other public involvement activities will be announced in advance through notices, media news releases, and/or mailings.

**ADDRESSES/COMMENTS:** Written comments should be sent to North Steens Ecosystem Restoration Project Environmental Impact Statement Lead, BLM Burns District Office, 28910, Highway 20 West, Hines, Oregon 97738; (541) 573-4543; fax (541) 573-4411; or e-mail ([ornseis@blm.gov](mailto:ornseis@blm.gov)). Comments, including names, street addresses, and other contact information of respondents, will be available for public review. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, street address, and other contact information such as internet address, fax or phone number from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. The BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. The BLM will make available for public inspection in their entirety all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

Copies of the Draft Environmental Impact Statement will be sent to affected Federal, Tribal, State and local government agencies, and to interested publics and will be available at the BLM Burns District Office. The supporting

record for the analysis for the Draft Environmental Impact Statement is available for inspection at the BLM Burns District Office during normal business hours (7:45 a.m. to 4:30 p.m. Monday through Friday, except holidays).

**FOR FURTHER INFORMATION CONTACT:** For further information and/or to have your name added to our mailing list, contact Douglas Linn (541) 573-4543 at the BLM Burns District Office.

**SUPPLEMENTARY INFORMATION:** The North Steens Ecosystem Restoration Project is a landscape-level project proposing to utilize a combination of western juniper treatments (mechanical and nonmechanical methods) and wildland (prescribed and natural) fire to treat fuels and to restore habitat. Implementation of the project would reduce the increased influence of western juniper and related fuels in mountain big sagebrush, low sagebrush, quaking aspen, mountain mahogany, old growth juniper (established before 1870), and riparian plant communities.

Section 113(c) of the Steens Mountain Cooperative Management and Protection Act of 2000 states, "The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of western juniper on a landscape level. Management measures shall include the use of natural and prescribed burning."

The Resource Management Plans for the Steens Mountain Cooperative Management and Protection Area and the Andrews Management Unit contain overall direction and guidance for proposed management actions such as those analyzed in the North Steens Ecosystem Restoration Project Environmental Impact Statement. Management actions analyzed include seeding of native species, reduction of western juniper (established before 1870), fencing, and management of wildland fire.

Preliminary issues and management concerns were identified by BLM and through public scoping. Major issues addressed in the Environmental Impact Statement include management of woodlands, rangeland vegetation, Steens Mountain Wilderness, wilderness study areas, wild and scenic river corridors, wildlife habitat, special status species, wildland fire/fuels, recreation, cultural resources, noxious weeds, water quality, aquatic resources, fisheries, biological soil crusts, and social and economic values. The Draft Environmental Impact Statement

considered American Indian traditional practices.

Cooperating agencies having specific expertise or interests in the project were invited to participate. The public and interest groups also participated and will continue to have every opportunity to participate during formal comment periods. The public and interest groups will also have opportunities for participation through the regularly scheduled Steens Mountain Advisory Council meetings.

The Draft Environmental Impact Statement contains five alternatives. The Continuation of Current Management No Action Alternative does not propose any increase above current levels of western juniper management or fuels reduction within the North Steens Ecosystem Restoration Project area. Private lands could still be treated according to landowner management objectives. Management of naturally occurring wildland fires would still occur in the North Steens Ecosystem Restoration Project area under this alternative, but management would be for purposes of restoring natural fire to the Cooperative Management and Protection Area.

The No Treatment No Action Alternative does not propose any fuels reduction through western juniper treatments. This alternative is not consistent with the Andrews Management Unit or Steens Mountain Cooperative Management and Protection Area Resource Management Plan direction. This alternative does not meet the objectives of the North Steens Ecosystem Restoration Project but is analyzed for purposes of effect analysis and comparison. Under this alternative, encroaching juniper would not be managed in the North Steens Ecosystem Restoration Project area. Natural wildland fires would still occur in the project area and would be managed in a manner consistent with the Resource Management Plans and the BLM Burns District's Fire Management Plan.

The Partial Landscape Alternative proposes active fuels reduction and juniper management on private and public lands outside of wilderness, wilderness study areas, and wild and scenic river corridors. Management of naturally occurring wildland fires would still occur in the aforementioned areas under this alternative.

The Limited Landscape Alternative incorporates many of the description and features of the Partial Landscape Alternative. Management of naturally occurring wildland fires would occur in wilderness, wilderness study areas, and wild and scenic river corridor areas under this alternative and would

include the use of prescribed wildland fire for western juniper management and fuels reduction and restoration of natural fire regimes.

The Full Landscape Alternative incorporates many of the description and features of the Partial Landscape Alternative and Limited Landscape Alternatives. The Full Landscape Alternative proposes active, landscape-level, western juniper management and fuels reduction on private and public lands including wilderness, wilderness study areas, and wild and scenic river corridors. Management of naturally occurring wildland fires would occur in the aforementioned areas under this alternative. Management could include the use of prescribed wildland fire, nonmotorized hand tools and nonmechanized transportation for western juniper management and fuels reduction. Additional treatment methods, including the use of other tools following publication of a minimum requirement decision guide, could be considered after a project review occurring on a 3- to 5-year basis.

Public input during scoping as well as internal scoping identified at least 20 issues for analysis in the Environmental Impact Statement. These issues are outlined in Chapter 1 of the Draft Environmental Impact Statement.

Opportunities for public involvement have included two separate public scoping periods. Along with participation by the Steens Mountain Advisory Council, the BLM Burns District has worked with Harney County Court, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, U.S. Fish and Wildlife Service, Ecological Services, Malheur National Wildlife Refuge, Eastern Oregon Agricultural Research Center, Burns Paiute Tribe, and Harney Soil and Water Conservation District.

**Dana R. Shuford,**

*BLM Burns District Manager.*

[FR Doc. E6-1869 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-33-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-020-1020-PK]

#### Notice of Public Meeting, Eastern Montana Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management

Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM), Eastern Montana Resource Advisory Council will meet as indicated below.

**DATES:** A meeting will be held March 22, 2006, at the Ft. Keogh Livestock and Range Research Laboratory, 243 Ft. Keogh Road, Miles City, Montana, 59301, beginning at 8 a.m. The public comment period will begin at 11:30 a.m.

**SUPPLEMENTARY INFORMATION:** The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in eastern Montana. All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, or other reasonable accommodations, should contact the BLM as provided below. The Council will hear updates on the Miles City Resource Management Plan, the Pumpkin Creek land exchange, the coal bed natural gas SEIS, weed funding, and other issues.

**FOR FURTHER INFORMATION CONTACT:** Mary Apple, Resource Advisory Council Coordinator, Montana State Office, 5001 Southgate Drive, Billings, Montana, 59101, telephone 406-896-5258 or Sandra S. Brooks, Field Manager, Billings Field Office, telephone 406-896-5013.

Dated: February 1, 2006.

**Sandra S. Brooks,**  
Billings Field Manager.

[FR Doc. E6-1824 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-SS-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-922-06-1310-FI-P; NDM 87262]

#### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease NDM 87262

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Per 30 U.S.C. 188(d), Valentine Peck timely filed a petition for reinstatement of oil and gas lease

NDM 87262, Slope County, North Dakota. The lessee paid the required rental accruing from the date of termination, September 1, 2005.

No leases were issued that affect these lands. The lessee agrees to new lease terms for rentals and royalties of \$10 per acre and 16 $\frac{2}{3}$  percent or 4 percentages above the existing competitive royalty rate. The lessee paid the \$500 administration fee for the reinstatement of the lease and \$155 cost for publishing this Notice.

The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the lease, effective the date of termination subject to:

- The original terms and conditions of the lease;
- The increased rental of \$10 per acre;
- The increased royalty of 16 $\frac{2}{3}$  percent or 4 percentages above the existing competitive royalty rate; and
- The \$155 cost of publishing this Notice.

**FOR FURTHER INFORMATION CONTACT:**

Karen L. Johnson, Chief, Fluids Adjudication Section, BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101-4669, 406-896-5098.

Dated: February 2, 2006.

**Karen L. Johnson,**

Chief, Fluids Adjudication Section.

[FR Doc. E6-1872 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-SS-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-923-1430-ET; COC-28576]

#### Public Land Order No. 7655; Partial Revocation of Executive Order dated July 2, 1910; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order partially revokes an Executive Order insofar as it affects 40 acres of public land withdrawn for the Bureau of Land Management's Power Site Reserve No. 32. This order also opens the land to surface entry subject to valid existing rights and other segregations of record.

**EFFECTIVE DATE:** May 12, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7093, 303-239-3706.

**SUPPLEMENTARY INFORMATION:** This action will allow for completion of a pending land exchange and clear the records of an unneeded withdrawal. The land is open to mining under the provisions of the Mining Claims Rights Restoration Act, 30 U.S.C. 621 (2000). Since this act applies only to land withdrawn for power purposes, the provisions of the act are no longer applicable to the land included in this revocation order.

### Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), and pursuant to the determination by the Federal Energy Regulatory Commission in DVCO-561-000, it is ordered as follows:

1. The Executive Order dated July 2, 1910, which established the Bureau of Land Management's Power Site Reserve No. 32, is hereby revoked insofar as it affects the following described land:

#### Sixth Principal Meridian

T. 1 S., R. 80 W.,

Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 40 acres in Summit County.

2. At 9 a.m. on May 12, 2006, the land described in Paragraph 1 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received on or prior to 9 a.m. on May 12, 2006, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The State of Colorado, with respect to the land described in Paragraph 1, has a preference right for public highway rights-of-way or material sites until May 11, 2006, and any location, entry, selection, or subsequent patent shall be subject to any rights granted the State as provided by the Act of June 10, 1920, section 24, as amended, 16 U.S.C. 818 (2000).

4. The land described in Paragraph 1 has been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, 30 U.S.C. 621 (2000), and these provisions are no longer applicable.

Dated: January 25, 2006.

**Mark Limbaugh,**

Assistant Secretary of the Interior.

[FR Doc. E6-1894 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-JB-P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[WO-300-1330-EO]

**Notice of a 30-Day Public Comment Period To Affirm the Policy for the Standards To Establish the Potash Enclave As Used To Administer the Secretarial Order of 1986 Entitled "Oil and Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico"**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of correction.

**SUMMARY:** The Bureau of Land Management (BLM) originally published this notice on Tuesday, August 30, 2005 [70 FR 51364] and solicited public comments on the report which affirms the existing policy on the criteria used to establish the potash enclave. The BLM gave the public 30 days to comment on these Policy Standards. The public comment period ended on Thursday, September 29, 2005. The BLM received numerous requests to lengthen the comment period. The BLM extended the comment period an additional 120 days. The BLM has again received requests to lengthen the comment period. The BLM will again extend the comment period an additional 120 days.

**DATES:** Comments should be submitted to the address below no later than June 12, 2006.

**ADDRESSES:** Written comments should be addressed to Group Manager, Solid Minerals, 1620 L Street NW., Mail Stop 501 LS, Washington DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Ted Murphy, Group Manager, Solid Minerals, 1620 L St. NW., Mail Stop 501 LS, Washington, DC 20036, telephone (202) 452-0351.

**Thomas Lonnie,**

*Assistant Director, Minerals, Realty and Resource Protection.*

[FR Doc. E6-1891 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-AG-P

## DEPARTMENT OF THE INTERIOR

## Minerals Management Service

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of extension of an information collection (1010-0137).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in a Notice to Lessees and Operators (NTL) discussed below.

**DATES:** Submit written comments by April 11, 2006.

**ADDRESSES:** You may submit comments by any of the following methods listed below. Please use the Information Collection Number 1010-0137 as an identifier in your message.

- Public Connect on-line commenting system, <https://ocscconnect.mms.gov>. Follow the instructions on the Web site for submitting comments.

- E-mail MMS at [rules.comments@mms.gov](mailto:rules.comments@mms.gov). Identify with Information Collection Number 1010-0137 in the subject line.

- Fax: 703-787-1093. Identify with Information Collection Number 1010-0137.

- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Process Team (RPT); 381 Elden Street, MS-4024; Herndon, Virginia 20170-4817. Please reference "Information Collection 1010-0137" in your comments.

**FOR FURTHER INFORMATION CONTACT:**

Cheryl Blundon, Rules Processing Team at (703) 787-1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the subject collection of information.

**SUPPLEMENTARY INFORMATION:**

*Title:* Historical Well Data Cleanup Project; Wells Without Assigned MMS API Numbers—Notice to Lessees.

*OMB Control Number:* 1010-0137.

*Abstract:* The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable

return on the resources of the OCS; and to preserve and maintain free enterprise competition.

The OCSLA at 43 U.S.C. 1332(6) states that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health."

The MMS's Historical Well Data Cleanup Project is currently underway and is expected to last several years to allow operators ample time to provide the missing or corrected data. This notice announces our intention to request a 3-year extension for this information collection.

The information we collect under this NTL is missing data for wellbores that MMS has not assigned API numbers and other well data discovered as missing while completing the well database cleanup project. We are not able to manage and utilize data from drilling operations accurately without the information for the missing wells. We will use the information to identify other well data (e.g., logs, surveys, tests) missing from our records, geologically map existing MMS data to the correct wellbore/location, and correctly exchange information with the operators and industry. Our geoscientists can use the information to evaluate resources for lease sales for fair market value. With respect to safety concerns, we believe that there may be anywhere from 3,000 to 5,000 unidentified completed and abandoned wellbores (bypasses and sidetracks), some of which may contain stuck drill pipe or other materials. In approving permits and other operations in an area, it is important for us to know what may be adjacent to or near the vicinity of the activity we are approving to minimize the risk of blowouts, loss of well control, and endangerment to life, health, and the environment. This is particularly important as, over the years, the number of wells drilled constantly increases, thereby increasing the risk to adjacent activities if operators are not aware of what might be in the area.

We will protect information respondents submit that is considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and 30 CFR 250.196, "Data and information to be made available to the public." No items of a sensitive nature are collected. Responses are mandatory.

*Frequency:* On occasion.

*Estimated Number and Description of Respondents:* Approximately 130 Federal OCS oil, gas, and sulphur lessees.

*Estimated Reporting and Recordkeeping "Hour" Burden:* The currently approved annual reporting burden for this collection is 56,250 hours for approximately 25,000 wells, based on:

(1) ¼ hour to locate and copy a summary of drilling operations (e.g., scout tickets) for each well.

(2) 2 hours to retrieve and analyze each well file and retrieve other missing data. There are no recordkeeping requirements.

*Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden:* We have identified no cost burdens for this collection.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

*Comments:* Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency " \* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \*." Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include,

among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission to OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

*Public Comment Procedures:* MMS's practice is to make comments, including names and addresses of respondents, available for public review. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

*MMS Information Collection Clearance Officer:* Arlene Bajusz (202) 208-7744.

Dated: January 26, 2006.

**E.P. Danenberger,**  
Chief, Office of Offshore Regulatory Programs.  
[FR Doc. E6-1871 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-MR-P

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### **Request for Comments on the Draft Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012 and Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Proposed 5-Year Program**

**SUMMARY:** The Minerals Management Service (MMS) requests comments on the Draft Proposed 5-year OCS Oil and Gas Leasing Program for 2007-2012. This is the first proposal for a new program to succeed the current program that expires on June 30, 2007, and forms the basis for conducting the studies and analyses the Secretary will consider in making future decisions on what areas to include in the program.

Section 18 of the OCS Lands Act (43 U.S.C. 1344) specifies a multi-step process of consultation and analysis that must be completed before the Secretary of the Interior may approve a new 5-year program. The required steps following this notice include the development of a proposed program, a proposed final program, and Secretarial approval. Pursuant to the National Environmental Policy Act (NEPA), the MMS also will prepare an EIS for the new 5-year program.

**DATES:** Please submit comments and information to the MMS no later than April 11, 2006.

#### **Public Comment Procedure**

The MMS will accept comments in one of two formats: by mail or our Internet commenting system. Please submit your comments using only one of these formats, and include full names and addresses. Comments submitted by other means may not be considered. We will not consider anonymous comments, and we will make available for inspection in their entirety all comments submitted by organizations and businesses or by individuals identifying themselves as representatives of organizations and businesses.

Our practice is to make comments, including the names and home addresses of respondents, available for public review. An individual commenter may ask that we withhold his or her name, home address, or both from the public record, and we will honor such a request to the extent allowable by law. If you submit comments and wish us to withhold such information, you must so state prominently at the beginning of your submission.

**ADDRESSES:** Mail comments and information to: Renee Orr, 5-Year Program Manager, Minerals Management Service (MS-4010), Room 3120, 381 Elden Street, Herndon, Virginia 20170. Please label your comments and the packaging in which they are submitted according to the subject matter. Mark those pertaining to program preparation, "Comments on Draft Proposed 5-Year Program for 2007-2012," and mark those pertaining to EIS preparation, "Scoping Comments on the EIS for the 5-Year Program for 2007-2012." If you submit any privileged or proprietary information to be treated as confidential, please mark the envelope, "Contains Confidential Information."

**Internet:** The MMS will accept comments submitted to our electronic commenting system. This system can be

accessed at <http://www.mms.gov/5-year/2007-2012main.htm>. We also will provide access to information concerning the 5-year program and EIS, including copies of comments we receive in response to this notice, at the MMS Internet website ([www.mms.gov](http://www.mms.gov)).

**FOR FURTHER INFORMATION CONTACT:**

Renee Orr, 5-Year Program Manager, at (703) 787-1215.

**SUPPLEMENTARY INFORMATION:** The MMS requests comments from states, local governments, Native groups, tribes, the oil and gas industry, federal agencies, environmental and other interest organizations, and all other interested parties to assist in the preparation of a 5-year OCS oil and gas leasing program for 2007-2012 and the applicable EIS.

The draft proposed program document may be downloaded off the MMS website at [www.mms.gov](http://www.mms.gov). The document also is available as part of our electronic commenting system noted above. Hard copies will be made available by contacting the 5-Year Program Office at 703-787-1215.

**Background**

Section 18 of the OCS Lands Act requires the Secretary of the Interior to prepare and maintain a schedule of proposed OCS oil and gas lease sales determined to "best meet national energy needs for the 5-year period following its approval or reapproval." This draft proposed program is the first proposed schedule of OCS lease sales for the 2007-2012 timeframe. The areas identified as proposed program areas in this notice are ones that warrant further study and analysis based on oil and gas resource estimates and comments received in response to the August 24, 2005 Request for Information. Inclusion of areas in the draft proposed lease sale schedule provides a basis for gathering information and conducting analyses to inform policy makers whether to include these areas for leasing consideration in the new 5-year program. Before the new 5-year program is approved and implemented, the MMS must accept and consider comments on the draft proposed program and issue for public review a proposed program, a draft EIS, a proposed final program, and a final EIS.

**Summary of the Draft Proposed Program**

In developing the draft proposed program for 2007-2012, the MMS considered leasing in the areas of the OCS that are included in the current 5-year program for 2002-2007 and additional areas off Alaska, the Gulf of Mexico, and Atlantic coast. Some of

these areas are currently withdrawn from disposition by leasing through June 30, 2012, under section 12 of the OCS Lands Act (43 U.S.C. 1341) and have been subject to annual congressional moratoria. There will be no leasing of such areas unless the President chooses to modify the withdrawal and Congress discontinues the annual statutory moratoria. The analyses conducted for the proposed program may provide the information necessary for a potential modification of the withdrawal areas. The draft program proposes sales in offshore areas that have the highest oil and gas resource values and highest industry interest or are off the coasts of states that have expressed interest in learning more about potential energy exploration off their coasts. The proposed schedule is responsive to the recommendations of affected state and local governments.

**New Planning Area Boundaries**

On January 3, 2006, the MMS published a notice in the **Federal Register** announcing the setting of Federal OCS administrative boundaries beyond state submerged lands for planning, coordination, and administrative purposes. The Supplementary Information in the January notice contained a section entitled "methodology." Using equidistance as a method to establish maritime boundaries, in the absence of special circumstances or agreement to the contrary, is consistent with customary domestic and international law and conventions. It should also be noted that, although the three maps appended to the January 3, 2006 Notice depicted an extension of the shelf beyond the U.S. exclusive economic zone only in the Gulf of Mexico, this did not suggest that the United States does not have an extended shelf in other areas. Further, the depicted limits and boundaries do not prejudice or affect in any way United States sovereign rights or jurisdiction within or seaward of these limits and boundaries. Some of the planning area boundaries have been moved to correspond to the new administrative lines. The number of planning areas has not changed; it remains at 26. See Maps 1 and 2 for the redrawn planning areas.

Some aspects of this draft proposed plan use these administrative boundaries. Congress has recently considered several legislative proposals that would establish state seaward lateral boundaries for OCS revenue sharing and other purposes. If such legislation is passed before this plan becomes final, we would consider adjustments to the areas offered in this

5-year plan to reflect the same boundary lines, if appropriate.

**Proposed Lease Sales for Consideration**

The draft program proposes a total of 21 OCS lease sales in 7 areas (4 areas off Alaska, 2 areas in the Gulf of Mexico, and 1 area in the Atlantic). Maps A and B show the areas proposed for leasing. Table A lists the location and timing of the proposed lease sales in areas that are available for leasing consideration, *i.e.*, not withdrawn or subject to congressional moratoria. Table B lists the location and timing of the proposed lease sales in areas that are withdrawn and/or subject to moratoria.

**Alaska Region**

In the Alaska Region, the draft program proposes multiple lease sales in the Beaufort and Chukchi Seas and North Aleutian Basin Planning Areas, which are three areas of interest to Alaska, the MMS, and the oil and gas industry. Multiple sales are consistent with the Governor of Alaska's recommendations. The North Aleutian Basin Planning Area is currently withdrawn by presidential order under section 12 of the OCS Lands Act. In response to the August Request for Information, the Governor of Alaska stated that "[t]he borough governments and regional Native corporations in the vicinity of the North Aleutian Basin have all expressed support for including this area in the next draft of the 2007-2012 program. During the comment period on the draft, I hope that public and industry input will provide the Secretary and the state with adequate information to decide whether or not to ask the President to lift the current withdrawal and allow a sale during the 2007-2012 program." In order to have this opportunity, the North Aleutian Basin is included in this proposal.

The Cook Inlet Planning Area is included on the schedule for a "special interest sale" as a potential source of natural gas for local residents and businesses. This approach was first used in the current program for 2002-2007. A special interest sale is one that may be held on a date chosen by the Secretary, after consideration of the comments received in response to annual calls for information.

**Gulf of Mexico Region**

In the Central and Western Gulf of Mexico Planning Areas, which are the two areas of highest resource potential and interest, the draft proposed program would continue the customary practice of scheduling annual areawide lease sales. As a result of the reconfiguration of some planning areas to follow the

new administrative lines, some of the areas formerly in the Eastern and Western Gulf Planning Areas are now part of the Central Gulf Planning Area. As part of this draft proposed program, there are no lease sales scheduled in the newly configured Eastern Gulf Planning Area. Under this proposal, the Central Gulf of Mexico Planning Area would include a portion of the area that was identified for Sale 181, in the 5-year program for 1997-2002. This portion of the previous Sale 181 area is proposed for offering in 2007. The MMS has no intention of offering for leasing areas within 100 miles of the Florida coast that used to be part of the Eastern Gulf Planning Area. The original Sale 181 area is not under Presidential withdrawal and is not subject to congressional moratorium. Subsequent annual Central Gulf sales may consider the area to the south of the original Sale 181 area that is currently under Presidential withdrawal and has been subject to annual congressional moratorium, if both of those restrictions were to be lifted.

#### Atlantic OCS

There are four planning areas in the Atlantic OCS—North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida. The draft proposed program proposes a "special interest sale" in the Mid-Atlantic in late 2011. The area proposed for consideration is in the Mid-Atlantic Planning Area off the coastline of Virginia. In its response to the August Request for Information, Virginia expressed a willingness to continue a dialogue that explores options regarding the energy resources off its coastline. Inclusion of this area in the draft proposed program will provide additional information to the State, the public, industry, and other interested parties about the impacts of exploration off this coast. This will also provide further information to the Secretary to consider whether or not to propose a "special interest sale" in the 2007-2012 program, should the President lift the current withdrawal and should Congress discontinue the annual moratorium. In addition, pursuant to Section 18 of the OCS Lands Act, no sale will be proposed until all affected states have the opportunity to comment. There have not been any lease sales in the Atlantic since the early 1980's. At this time, there are no active leases.

TABLE A.—DRAFT PROPOSED PROGRAM FOR 2007-2012—LEASE SALE SCHEDULE FOR AVAILABLE AREAS

Sale no.	Area	Year
204	Western Gulf of Mexico.	2007
205	Central Gulf of Mexico (Portion).	2007
193	Chukchi Sea	2007
206	Central Gulf of Mexico	2008
207	Western Gulf of Mexico.	2008
208	Central Gulf of Mexico	2009
209	Beaufort Sea	2009
210	Western Gulf of Mexico.	2009
211	Cook Inlet	2009
212	Chukchi Sea	2010
213	Central Gulf of Mexico	2010
215	Western Gulf of Mexico.	2010
216	Central Gulf of Mexico	2011
217	Beaufort Sea	2011
218	Western Gulf of Mexico.	2011
219	Cook Inlet	2011
221	Chukchi Sea	2012
222	Central Gulf of Mexico	2012

TABLE B.—DRAFT PROPOSED PROGRAM FOR 2007-2012—POTENTIAL LEASE SALE SCHEDULE FOR AREAS SUBJECT TO RESTRICTIONS\*

Sale no.	Area	Year
214	North Aleutian Basin ..	2010
220	Mid-Atlantic ..	2011
223	North Aleutian Basin ..	2012

\*Lease sales would only be held if the President chooses to modify the withdrawal in both areas and Congress discontinues the annual statutory moratorium off the coast of Virginia.

#### Assurance of Fair Market Value

Section 18 of the OCS Lands Act requires receipt of fair market value for OCS oil and gas leases and the rights they convey. The draft proposed program provides for setting minimum bid levels by individual lease sale based on market conditions and for continuing to use a two-phase bid evaluation process.

#### Information Requested for the Draft Proposed Program

We request all interested and affected parties to comment on the size, timing, and location of leasing and the procedures for assuring fair market value that are proposed in the Draft Proposed 5-Year OCS Oil and Gas Leasing Program for 2007-2012. Respondents who submitted information in response to the August 24, 2005 Federal Register notice

requesting comments on preparing the 5-year program for 2007-2012, may wish to reference that information, as appropriate, rather than repeating it in their comments on the draft proposed program. We also invite comments and suggestions on how to proceed with the section 18 analysis for the next draft of the new program, the proposed program.

Section 18(g) authorizes confidential treatment of privileged or proprietary information that is submitted. In order to protect the confidentiality of such information, respondents should include it as an attachment to other comments submitted and mark it appropriately. On request the MMS will treat such information as confidential from the time of its receipt until 5 years after approval of the new leasing program, subject to the standards of the Freedom of Information Act. The MMS will not treat as confidential any aggregate summaries of such information, the names of respondents, and comments not containing such information.

#### Environmental Impact Statement (EIS) Preparation

In accordance with section 102(2)(C) of the NEPA (42 U.S.C. 4332(2)(C)), MMS intends to prepare an EIS for the OCS oil and gas 5-year leasing program for 2007-2012 as we specified in the August 2005 notice. As part of the scoping under NEPA, this notice again solicits information regarding issues and alternatives that should be evaluated in the EIS. Comments submitted in response to the August notice need not be re-submitted.

The EIS will address the potential impacts of the adoption of the proposed 5-year program. The MMS requests respondents to focus comments on significant environmental issues attendant to OCS oil and gas leasing and development which should be evaluated in the EIS.

Public Scoping Meetings are planned for the EIS development. Further information will be posted on the 5-year webpage at [www.mms.gov](http://www.mms.gov) and other public notice. Dates and localities for all scoping meetings are being determined. For Atlantic scoping, information can be obtained from Norman Froome at 703-787-1644 or via e-mail at [Norman.Froome@mms.gov](mailto:Norman.Froome@mms.gov). For Alaska scoping, information can be obtained from the Alaska OCS Region at 1-800-764-2627 or via e-mail at [akwebmaster@mms.gov](mailto:akwebmaster@mms.gov). For Gulf of Mexico scoping, information can be obtained from Dennis Chew at 504-736-2793 or via e-mail at [Dennis.Chew@mms.gov](mailto:Dennis.Chew@mms.gov).



We are considering possible alternatives to the proposed action, such as offering for lease only those areas offered during the previous 5-year program, or excluding areas currently under congressional moratoria or presidential withdrawal. We will also evaluate the No Action alternative as required by NEPA and its implementing regulations.

For further information about preparation of the EIS, contact: James Bennett, Chief, Branch of Environmental Assessment at the Minerals Management Service, 381 Elden Street, MS 4042, Herndon, Virginia 20170, telephone (703) 787-1660.

**Next Steps in the Process**

The MMS plans to issue the proposed program and draft EIS in mid-summer

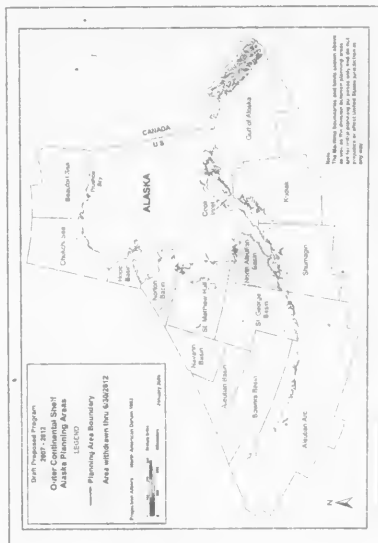
2006 for a 90-day comment period. We plan to issue the proposed final program and final EIS in winter 2007. The Secretary may approve the new 5-year program 60 days later to go into effect as of July 1, 2007.

Dated: February 1, 2006.

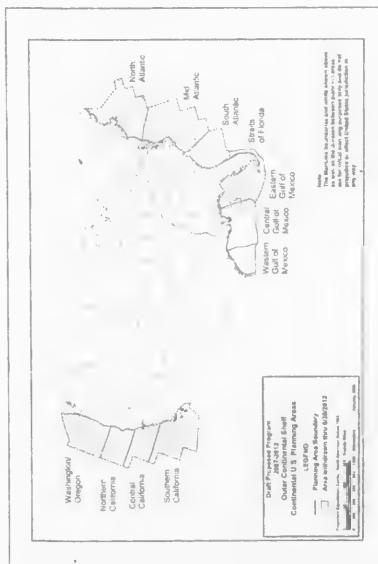
**R.M. Johnnie Burton.**

*Director, Minerals Management Service.*

**BILLING CODE 4310-MR-P**



Map 1: Alaska



Map 2: Lower 48 States



7. Election of Officers.
8. Public Comment.
9. Next Meetings.
10. Adjourn.

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Avenue, Boston, MA 02110, telephone (617) 223-8667.

Dated: January 18, 2006.

**Bruce Jacobson,**

*Superintendent, Boston Harbor Islands.*

[FR Doc. E6-1809 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-8G-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Great Sand Dunes National Park Advisory Council Meeting

**AGENCY:** National Park Service, DOI.

**ACTION:** Announcement of meeting.

**SUMMARY:** Great Sand Dunes National Park and Preserve announces a meeting of the Great Sand Dunes National Park Advisory Council, which was established to provide guidance to the Secretary on long-term planning for Great Sand Dunes National Park and Preserve.

**DATES:** The meeting date is:

1. February 23, 2006, 9 a.m.–12 p.m., Mosca, Colorado.

**ADDRESSES:** The meeting location is:

1. Mosca, Colorado—Great Sand Dunes National Park and Preserve Visitor Center, 11999 Highway 150, Mosca, CO 81146.

**FOR FURTHER INFORMATION CONTACT:**

Steve Chaney, 719-378-6312.

**SUPPLEMENTARY INFORMATION:** At the February 23 meeting, the National Park Service will solicit ideas from the advisory council about potential dates and formats for upcoming public meetings concerning the General Management Plan, Wilderness Study and EIS; provide an update on the progress of the plan and EIS; and respond to questions about specific provisions of the plan. A public comment period will be held from 11:45 a.m. to 12 p.m.

**Rick Frost,**

*Acting Regional Director.*

[FR Doc. E6-1810 Filed 2-9-06; 8:45 am]

BILLING CODE 4312-CL-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of meeting

**AGENCY:** National Park Service, U.S. Department of the Interior.

**ACTION:** Notice of Meeting.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Commission Act and 36 CFR Part 65 that a meeting of the Landmarks Committee of the National Park System Advisory Board will be held beginning at 1 p.m. on April 11, 2006, at the location listed below. The meeting will continue beginning at 9 a.m. on April 12.

**DATES:** April 11–12, 2006.

**Location:** The 2nd Floor Board Room of the National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:**

Patricia Henry, National Historic Landmarks Program, National Park Service; 1849 C Street, NW., (2280); Washington, DC 20240; Telephone (202) 354-2216.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting of the Landmarks Committee of the National Park System Advisory Board is to evaluate nominations of historic properties in order to advise the National Park System Advisory Board as to the qualifications of those properties for National Historic Landmark (NHL) designation. If the Landmarks Committee finds that a nominated property meets criteria for designation as an NHL, it will recommend designation to the National Park System Advisory Board at the Board's meeting in June 2006. The Committee also makes recommendations to the National Park System Advisory Board regarding amendments to existing designations and proposals for withdrawal of designation. The members of the National Landmarks Committee are:

Mr. Larry E. Rivers, Ph.D., Chair  
 Mr. James M. Allan, Ph.D.  
 Mr. Cary Carson, Ph.D.  
 Ms. Mary Werner DeNadai, FAIA  
 Ms. Alferdteen Brown Harrison, Ph.D.  
 Mr. E. L. Roy Hunt, J.D., Professor Emeritus  
 Mr. Ronald James  
 Mr. William J. Murtagh, Ph.D.  
 Mr. William D. Seale, Ph.D.  
 Ms. Jo Anne Van Tilburg, Ph.D.

The meeting will be open to the public. Pursuant to 36 CFR Part 65, any member of the public may file for consideration by the National Park

System Advisory Board and its Landmarks Committee written comments concerning the National Historic Landmarks nominations, amendments to existing designations, or proposals for withdrawal of designation.

Comments should be submitted to John W. Roberts, Acting Chief, National Historic Landmarks Program, National Park Service; 1849 C Street, NW. (2280); Washington, DC 20240.

The National Park System Advisory Board and its Landmarks Committee will consider the following nominations:

#### Nominations:

##### California

- Borax Lake, Clear Lake, CA
- Eames House (Case Study House # 8), Los Angeles, CA

##### Connecticut

- Coltsville Historic District, Hartford, CT

##### Florida

- Marjorie Kinnan Rawlings House, Cross Creek, FL
- Mud Lake Canal, Flamingo, FL

##### Georgia

- Dorchester Academy Boy's Dormitory, Midway, GA

##### Massachusetts

- John and Priscilla Alden Family Sites, Duxbury, MA

##### Missouri

- Liberty Memorial, Kansas City, MO

##### Nevada

- Northern Nevada Railway Shops and Yard, Ely, NV

##### New Mexico

- Ernie Pyle House, Albuquerque, NM

##### New York

- Green-Wood Cemetery, Brooklyn, NY

##### Pennsylvania

- Carrie Furnaces No. 6 and 7, Boroughs of Rankin, Munhall, and Swissvale, PA
- Pennsylvania State Capitol Complex, Harrisburg, PA

##### Wyoming

- Heart Mountain, Ralston, WY

Dated: February 2, 2006.

**John W. Roberts,**

*Acting Chief, National Historic Landmarks Program; National Park Service, Washington, DC.*

[FR Doc. E6-1811 Filed 2-9-06; 8:45 am]

BILLING CODE 4312-51-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-2104-20]

### U.S.-Peru Trade Promotion Agreement: Potential Economy-Wide and Selected Sectoral Effects

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** February 3, 2006.

**SUMMARY:** Following receipt of a request from the United States Trade Representative (USTR) on January 13, 2006, the Commission instituted investigation No. TA-2104-20, U.S.-Peru Trade Promotion Agreement: Potential Economy-wide and Selected Sectoral Effects, under section 2104(f) of the Trade Act of 2002 (19 U.S.C. 3804(f)), for the purpose of assessing the likely impact of the U.S. Trade Promotion Agreement with Peru on the United States economy as a whole and on specific industry sectors and the interests of U.S. consumers.

**FOR FURTHER INFORMATION CONTACT:** Project Leaders Nannette Christ, Office of Economics (202-205-3263; [nannette.christ@usitc.gov](mailto:nannette.christ@usitc.gov)) or Laura Polly, Office of Industries (202-205-3408; [laura.polly@usitc.gov](mailto:laura.polly@usitc.gov)). For information on legal aspects, contact William Gearhart of the Office of the General Counsel (202-205-3091; [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819; [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)).

**Background:** As requested by the USTR, the Commission will prepare a report as specified in section 2104(f)(2)-(3) of the Trade Act of 2002 assessing the likely impact of the U.S. Trade Promotion Agreement with Peru on the U.S. economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of U.S. consumers.

In preparing its assessment, the Commission will review available economic assessments regarding the agreement, including literature concerning any substantially equivalent proposed agreement, and will provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas

of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

Section 2104(f)(2) requires that the Commission submit its report to the President and the Congress not later than 90 days after the President enters into the agreement, which he can do 90 days after he notifies the Congress of his intent to do so. On January 6, 2006, the President notified the Congress of his intent to enter into a TPA with Peru. The USTR requested that the Commission provide the report as soon as possible.

**Public Hearing:** A public hearing in connection with the investigation is scheduled to begin at 9:30 a.m. on March 15, 2006, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than 5:15 p.m., February 27, 2006. Any prehearing briefs (original and 14 copies) should be filed no later than 5:15 p.m., March 1, 2006; the deadline for filing posthearing briefs or statements is 5:15 p.m., March 29, 2006. In the event that, as of the close of business on February 27, 2006, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Secretary to the Commission (202-205-2000) after February 27, 2006, for information concerning whether the hearing will be held.

**Written Submissions:** In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements related to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than 5:15 p.m., March 29, 2006. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or copy designated as an original) and fourteen

(14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential business information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [ftp://ftp.usitc.gov/pub/reports/electronic\\_filing\\_handbook.pdf](ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf)). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000 or [edis@usitc.gov](mailto:edis@usitc.gov)).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties.

The Commission intends to prepare only a public report in this investigation. The report that the Commission sends to the President and the Congress and makes available to the public will not contain confidential business information. Any confidential business information received by the Commission in this investigation and used in preparing the report will not be published in a manner that would reveal the operations of the firm supplying the information.

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) <http://edis.usitc.gov>. Hearing impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Issued: February 6, 2006.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-1884 Filed 2-9-06; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Government-Owned Invention: Available for Licensing

**AGENCY:** Justice Management Division, Justice.

**ACTION:** Notice of availability of invention for licensing.

**SUMMARY:** The Department of Justice hereby gives notice of the availability of exclusive, partially exclusive, on non-exclusive licenses to practice the invention described in U.S. Patent No. 6,525,579, "Pulse Translational Circuits," issued February 25, 2003. The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Attorney General. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

**DATES:** Applications for a license may be submitted at any time from the date of this notice.

**ADDRESSES:** Submit application to Deputy Assistant Attorney General/ Controller, Justice Management Division, Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

**FOR FURTHER INFORMATION CONTACT:** Stuart Frisch, General Counsel, or Morton J. Posner, Attorney-Advisor, Justice Management Division, U.S. Department of Justice, 1331 Pennsylvania Avenue, NW., Suite 520-North, Washington, DC 20530; Telephone (202) 514-3452; FAX: (202) 514-4317.

Dated: January 18, 2006.

**Lee J. Lofthus,**

*Deputy Assistant Attorney General/  
Controller.*

[FR Doc. 06-1237 Filed 2-9-06; 8:45 am]

BILLING CODE 4410-AR-M

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 30-Day Notice of Information Collection Under Review: Request for

### Information Regarding Federal Firearms Dealer's Records (Records of Acquisition and Disposition).

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 70, Number 181, page 55166 on September 20, 2005, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 13, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of this Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Request for Information Regarding Federal Firearms Dealer's Records (Records of Acquisition and Disposition).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5300.3A. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. *Abstract:* Firearms licensees are required to keep records of acquisition and disposition. These records remain with the licensee as long as he is in business. When a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept shall appropriately reflect such facts and shall be delivered to the successor. When discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to ATF.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 28,000 respondents, who will complete the form within approximately 5 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 2,380 total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: February 7, 2006.

**Brenda E. Dyer,**

*Department Clearance Officer, United States  
Department of Justice.*

[FR Doc. E6-1908 Filed 2-9-06; 8:45 am]

BILLING CODE 4410-FB-P

**DEPARTMENT OF JUSTICE****Coordinating Council on Juvenile Justice and Delinquency Prevention**

[OJP (OJJDP) Docket No. 1451]

**Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention**

**AGENCY:** Coordinating Council on Juvenile Justice and Delinquency Prevention.

**ACTION:** Notice of meeting.

**SUMMARY:** The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) is announcing the March 3, 2006, meeting of the Council.

**DATES:** Friday, March 3, 2006, 9:15 a.m.—12:30 p.m.

**ADDRESSES:** The meeting will take place at the White House Conference Center, 726 Jackson Place, NW., Washington, DC 20006 in Truman Room.

**FOR FURTHER INFORMATION CONTACT:** Robin Delany-Shabazz, Designated Federal Official, by telephone at 202-307-9963, or by e-mail at [Robin.Delany-Shabazz@usdoj.gov](mailto:Robin.Delany-Shabazz@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** The Coordinating Council on Juvenile Justice and Delinquency Prevention, established pursuant to section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. App. 2) will meet to carry out its advisory functions under section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, *et seq.*

Documents such as meeting announcements, agendas, minutes, and interim and final reports will be available on the Council's Web page at <http://www.juvenilecouncil.gov>. (You may also verify the status of the meeting at that Web address.)

Although designated agency representatives may attend, the Council membership is composed of the Attorney General (Chair), the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education; the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary for Homeland Security, Immigrations and Customs Enforcement. Nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority Leader, and the President of the United States.

**Meeting Agenda**

The agenda for this meeting will include: (a) A review of the past meeting and written public comments; (b) remarks from John Walters (invited), Director, Office on National Drug Control Policy (ONDCP), John Horton, Associate Deputy Director, ONDCP, and other ONDCP staff, and a discussion of opportunities to coordinate federal work concerned with juveniles and drug policy issues; (c) a review and debriefing of the January 2006 National Conference, "Building on Success: Providing Today's Youth With Opportunities for a Better Tomorrow" and other Council activities; and (d) other business and announcements.

For security purposes, members of the public who wish to attend the meeting must pre-register by calling the Juvenile Justice Resource Center at 301-519-6473 (Daryel Dunston), no later than Monday, February 27, 2006 [Note: these are not toll-free telephone numbers.] Additional identification documents may be required. To register online, please go to <http://www.juvenilecouncil.gov/meetings.html>. Space is limited

**Note:** Photo identification will be required for admission to the meeting.

**Written Comments**

Interested parties may submit written comments by Monday, February 27, 2006, to Robin Delany-Shabazz, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at [Robin.Delany-Shabazz@usdoj.gov](mailto:Robin.Delany-Shabazz@usdoj.gov). The Coordinating Council on Juvenile Justice and Delinquency Prevention expects that the public statements presented will not repeat previously submitted statements. Written questions and comments from the public may be invited at this meeting.

**J. Robert Flores,**

*Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention.*

[FR Doc. E6-1825 Filed 2-9-06; 8:45 am]

**BILLING CODE 4410-18-P**

**DEPARTMENT OF LABOR****Office of the Secretary****Submission for OMB Review: Comment Request**

February 1, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in

accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Agency:** Employee Benefits Security Administration.

**Type of Review:** Extension of currently approved collection.

**Title:** Disclosures for Participant Directed Individual Account Plans under ERISA section 404(c).

**OMB Number:** 1210-0090.

**Frequency:** On occasion.

**Type of Response:** Third party disclosure.

**Affected Public:** Business or other for-profit; Not-for-profit institutions; and Individuals or households.

**Number of Respondents:** 245,000.

**Number of Annual Responses:** 30,164,000.

**Estimated Time Per Respondent:** 3.5 hours.

**Total Burden Hours:** 860,000.

**Total Annualized capital/startup costs:** \$0.

**Total Annual Costs (operating/maintaining systems or purchasing services):** \$33,020,000.

**Description:** Section 404(c) of the Employee Retirement Income Security

Act of 1974 (ERISA) (29 U.S.C. 1104(c)) provides that, if an individual account pension plan permits a participant or beneficiary to exercise control over assets in his or her account and the participant or beneficiary in fact exercises such control (as determined under regulations of the Department of Labor), the participant or beneficiary shall not be deemed to be a fiduciary by such exercise of control and no person otherwise a fiduciary to the plan shall be liable for any loss or breach that results solely from this exercise of control.

The Department of Labor's regulation under section 404(c), codified at 29 CFR 2550.404c-1, describes the circumstances in which a participant or beneficiary in an individual account plan is considered to have exercised control over the assets in his or her individual account so as to relieve a fiduciary to the plan of liability relating to the exercise of control. The regulation specifies the manner in which an individual account pension plan must operate in allowing participants or beneficiaries to allocate individual account assets among available investment alternatives, such that section 404(c) will limit the plan fiduciary's liability for the investment decision. The regulation provides, among other things, that participants and beneficiaries must have adequate information on which to base investment decisions. The regulation specifies the information that a plan must make available before a participant first makes investment decisions; when that information changes, for example when the available investment options under the plan change; and also upon the participant's and beneficiary's request. These information collection provisions are necessary to ensure that participants and beneficiaries are adequately informed about investment alternatives available under the plan, their rights, and the consequences of their investment decisions. Such information is important in assisting participants and beneficiaries in understanding their investment risks and achieving their retirement savings goals.

Ira L. Mills,

*Departmental Clearance Officer.*

[FR Doc. E6-1826 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-29-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

February 2, 2005.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment Standards Administration.

*Type of Review:* Extension of currently approved collection.

*Title:* The Remedial Education Provisions of the Fair Labor Standards Act.

*OMB Number:* 1215-0175.

*Frequency:* Weekly.

*Type of Response:* Recordkeeping.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; and State, Local, or Tribal Government.

*Number of Respondents:* 15,000.  
*Number of Annual Responses:* 30,000.  
*Estimated Average Response Time:* 10 minutes.

*Total Annual Burden Hours:* 5,000.  
*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* These recordkeeping requirements of 29 CFR 516.34 are for employers utilizing the partial overtime exemption for remedial education are necessary to ensure employees are paid in compliance with the remedial education provisions of the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*

Ira L. Mills,

*Departmental Clearance Officer.*

[FR Doc. E6-1827 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-27-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 21, 2006.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 21, 2006.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S.

Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 31st day of January 2006.

Erica R. Cantor,  
Director, Division of Trade Adjustment Assistance.

## APPENDIX

[TAA petitions instituted between 1/16/06 and 1/20/06]

TA-W	Subject firm (petitioners)	Location	Date of Institution	Date of Petition
58637	Carolina Mills, Inc. (Comp)	Valdese, NC	01/17/06	01/17/06
58638	Mosey Mfg. Co., Inc. (Comp)	Richmond, IN	01/17/06	01/16/06
58639	Albany Industries (Comp)	New Albany, MS	01/17/06	01/13/06
58640	Gamco Products (Wkrs)	Henderson, KY	01/17/06	01/14/06
58641	Elkem Carbon (USW)	Keokuk, IA	01/17/06	01/16/06
58642	Jones Apparel Group (IBT)	Bristol, PA	01/18/06	01/13/06
58643	Collins and Aikman (USWA)	Nashville, TN	01/18/06	01/13/06
58644	Corinthian, Inc. (Wkrs)	Corinth, MS	01/18/06	01/12/06
58645	Greif, Inc. (Wkrs)	Reno, PA	01/18/06	01/13/06
58646	Klaussner Furniture Ind. (Wkrs)	Asheboro, NC	01/18/06	12/22/05
58647	American National Rubber (Comp)	Louisa, KY	01/18/06	01/13/06
58648	Fisher Hamilton L.L.C. (UBC)	Two Rivers, WI	01/18/06	01/13/06
58649	Mondi Packaging Akrosil LLC (USW)	Menasha, WI	01/18/06	01/12/06
58650	Continental AFA Dispensing Co. (Comp)	Forest City, NC	01/18/06	01/16/06
58651	Sheppard Frames, Inc. (Wkrs)	Thomasville, NC	01/18/06	01/17/06
58652	Atlantic Luggage Company (Comp)	Ellwood City, PA	01/18/06	01/13/06
58653	AK Steel (UAW)	Butler, PA	01/18/06	01/17/06
58654	J and R Wire, Inc. (Comp)	Scranton, PA	01/18/06	01/17/06
58655	Terumo Medical Corporation (State)	Elkton, MD	01/18/06	01/17/06
58656	Andrews Wire (Comp)	Andrews, SC	01/18/06	01/16/06
58657	Young Stuff (Wkrs)	New York, NY	01/18/06	01/13/06
58658	CMOR Manufacturing, Inc. (Wkrs)	Rocklin, CA	01/18/06	01/18/06
58659	Degussa Corporation (Wkrs)	Lockland, OH	01/18/06	01/13/06
58660	L'Oreal USA Products, Inc. (Comp)	Savannah, GA	01/18/06	01/10/06
58661	KEMET Electronics Corporation (Comp)	Simpsonville, SC	01/19/06	01/18/06
58662	Maben Logging (State)	Hepner, OR	01/19/06	01/18/06
58663	Classic Print Products, Inc. (Comp)	Burlington, NC	01/19/06	01/12/06
58664	Maine Scientific (State)	Richmond, ME	01/19/06	01/17/06
58665	American Racing Equipment (State)	Rancho Dominguez, CA	01/19/06	01/18/06
58666	TYK America, Inc. (USW)	Irvona, PA	01/19/06	01/18/06
58667	Kimberly-Clark (Comp)	Neenah, WI	01/19/06	01/12/06
58668	Lear Corporation (Comp)	Southfield, MI	01/19/06	01/18/06
58669	Franklin Electric Company (State)	Siloam Springs, AR	01/19/06	01/18/06
58670	SLM Electronics (State)	Yellville, AR	01/19/06	01/18/06
58671	Sebastian Furniture Co. (State)	Barling, AR	01/19/06	01/18/06
58672	GKN Driveline North America, Inc. (Comp)	Sanford, NC	01/19/06	01/18/06
58673	Columbia Forest Products (Wkrs)	Klamath Falls, OR	01/19/06	01/18/06
58674	Fuji Hunt Photographic Chemicals, Inc. (Comp)	Dayton, TN	01/19/06	01/18/06
58675	Outsource Partners International (State)	Houston, TX	01/19/06	01/18/06
58676	Mainzer Minton Co. (Comp)	Hackettstown, NJ	01/19/06	12/28/05
58677	Avanex Corporation (Comp)	Fremont, CA	01/20/06	01/19/06
58678	Maryland MPC (Wkrs)	Lowell, MA	01/20/06	01/17/06
58679	Falcon Foam (Comp)	Los Angeles, CA	01/20/06	01/19/06
58680	Leemah Electronics (Wkrs)	San Francisco, CA	01/20/06	01/06/06
58681	Atlas Spring (State)	Gardena, CA	01/20/06	01/10/06
58682	Robert Bosch Fuel Systems (Wkrs)	Kentwood, MI	01/20/06	12/22/05
58683	Cedar Valley Wood Products (Comp)	Eldon, MO	01/20/06	01/20/06
58684	Smurfit-Stone Container Corporation (Wkrs)	Roanoke, VA	01/20/06	01/17/06



[FR Doc. E6-1920 Filed 2-9-06; 8:45 am]  
BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,567A and TA-W-57,567B]

#### Cequent Electrical Products—Breakaway Switches Product Line and Cable Connectors Product Line, Albion, Indiana; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance

By letter dated November 22, 2005, a company official requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on September 14, 2005, and soon will be published in the *Federal Register*.

The workers of Cequent Electrical Products, Breakaway Switches Product Line, Albion, Indiana (TA-W-57,567A) and Cequent Electrical Products, Cable Connectors Product Line, Albion, Indiana (TA-W-57,567B) were certified eligible to apply for Trade Adjustment Assistance (TAA) on September 14, 2005.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the company official provided new information confirming that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

#### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Cequent Electrical Products, Breakaway Switches Product Line, Albion, Indiana (TA-W-57,567A) and all workers of Cequent Electrical Products, Cable Connectors Product Line, Albion, Indiana

(TA-W-57,567B), who became totally or partially separated from employment on or after July 15, 2004 through September 14, 2007, are eligible to apply for trade adjustment assistance under Section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 3rd day of February, 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1911 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-53,505]

#### Hunt Corporation; Now Known as Elmer's Products, Inc.; Speedball Road Plant; Statesville, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 9, 2003, applicable to workers of Hunt Corporation, Speedball Road Plant, Statesville, North Carolina. The notice was published in the *Federal Register* on January 16, 2004 (69 FR 2623).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of office and school supplies.

New information provided by the company shows that Hunt Corporation, Speedball Road Plant, became known as Elmer's Products, Inc., Speedball Road Plant following a merger in late 2004. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax accounts for Elmer's Products, Inc., Speedball Road Plant.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Hunt Corporation, Speedball Road Plant, now known as Elmer's Products, Inc., Speedball Road Plant who was

adversely affected by increased company imports.

The amended notice applicable to TA-W-53,505 is hereby issued as follows:

All workers of Hunt Corporation, Speedball Road Plant, now known as Elmer's Products, Inc., Speedball Road Plant, Statesville, North Carolina, who became totally or partially separated from employment on or after November 7, 2002 through December 9, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 3rd day of February 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1909 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,279; TA-W-58,279A]

#### Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania; Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania and Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-58,279; Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania, and TA-W-58,279A; Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania (February 3, 2006).

Signed at Washington, DC this 3rd day of February 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1917 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-58,095]

**Premier Quilting Corporation, Oxford, NC; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Premier Quilting Corporation, Oxford, North Carolina. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-58,095; Premier Quilting Corporation, Oxford, North Carolina. (February 2, 2006).

Signed at Washington, DC this 3rd day of February 2006.

Linda G. Poole,

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1913 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-58,485]

**Rawlings Sporting Goods Company; A Subsidiary of K2 Inc., Licking, Missouri; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application of January 10, 2006, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The Department's negative determination was issued on December 27, 2005. The Notice of determination published in the **Federal Register** on January 17, 2006 (71 FR 2568).

The request for reconsideration alleged that the subject worker group supports production at an affiliated facility and that production is shifting from that facility to a foreign facility. Rawlings Sporting Goods Co., Inc., Licking, Missouri was previously

certified for Trade Adjustment Assistance (TAA) under TA-W-50,065 (issued December 16, 2002). The petitioners also allege that those circumstances which supported the previous certification still exist and infer that they should be used to support certification in the immediate petition.

The Department carefully reviewed the petitioner's request for reconsideration and has determined that the Department will conduct further investigation based on new information provided by the petitioner and the company official.

**Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 2nd day of February 2006.

Elliott S. Kushner,

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1915 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration****Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, as amended, (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the periods of January 2006.

In order for an affirmative determination to be made and a certification of eligibility to apply for directly-impacted (primary) worker adjustment assistance to be issued, each of the group eligibility requirements of section 222(a) of the Act must be met.

1. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance as an adversely affected secondary group to be issued, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for

the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

#### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of (a)(2)(A) (increased imports) of Section 222 have been met.

TA-W-58,483; *Reed and Barton Corporation, Silversmiths Div., Taunton, MA, December 7, 2004.*

TA-W-58,520; *Calley and Currier Company, Bristol, NH, January 23, 2006.*

TA-W-58,598; *Springs Global US, Inc., Fort Mill Executive Off., Close D. Center, Fort Mill, SC, January 6, 2005.*

TA-W-58,439; *Hart and Cooley—Milcor, Including Spherion, Inc., Lima, OH, "Workers engaged in the production of registers (grilles)" November 20, 2004.*

TA-W-58,442; *Weyerhaeuser Company, Large Log Mill, Aberdeen, WA, November 21, 2004.*

TA-W-58,492; *Ormet Aluminum Mill Products, Hannibal Rolling Mill, Hannibal, OH, December 9, 2004.*

The following certifications have been issued. The requirements of (a)(2)(B) (shift in production) of section 222 have been met.

TA-W-58,495; *Hoover Company (The), Floorcare Div., Main Plant, North Canton, OH, August 28, 2005.*

TA-W-58,495A; *Hoover Company (The), Floorcare Div., Plant #2, Canton, OH, August 28, 2005.*

TA-W-58,495B; *Hoover Company (The), Floorcare Div., Distribution Center, Canton, OH, August 28, 2005.*

TA-W-58,511; *Kessler Industries, Inc., El Paso, TX, December 14, 2004.*

TA-W-58,523; *Jasco Knitting Corp., Div. of Jasco Fabrics Inc., Linden, NJ, December 6, 2004.*

TA-W-58,527; *Techpack America Cosmetic Packaging, LP, Div. of Alcan, Morristown, TN, December 20, 2004.*

TA-W-58,528; *Tyco Electronics—GADAN, Electromechanical Business Unit, Franklin, KY, December 23, 2005.*

TA-W-58,537; *Leach Company, Inc., Federal Signal, Refuse Division, Appleton, WI, December 22, 2004.*

TA-W-58,568; *ARC Automotive, Inc., Div. of the Sequa Corp., Camden, AR, January 3, 2005.*

TA-W-58,593; *Pliana, Inc., Charlotte, NC, January 6, 2005.*

TA-W-58,613; *Olon Industries, Atlanta, GA, January 3, 2005.*

TA-W-58,616; *Linn Benton Community College, At Hewlett-Packard Company, Corvallis, OR, January 10, 2005.*

TA-W-58,667; *Kimberly-Clark, Neenah South Plant, Neenah, WI, January 18, 2005.*

TA-W-58,669; *Franklin Electric Company, Siloan Springs, AR, January 18, 2005.*

The following certification has been issued. The requirement of supplier to a trade certified firm has been met.

TA-W-58,647; *American National Rubber, Louisa Division, Louisa, KY, January 13, 2005.*

TA-W-58,524; *Hi-Tech Plastics, Chesapeake Div., Cambridge, MD, July 23, 2005.*

TA-W-58,590; *Groveton Paper Board, Inc., Groveton, NH, January 5, 2005.*

The following certification has been issued. The requirement of downstream producer to a trade certified firm has been met.

None.

#### Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that criterion (a)(2)(A)(I.A) and (a)(2)(B)(II.A) (no employment decline) has not been met.

TA-W-58,518; *Wyeth Pharmaceuticals, Wyeth Research Div., Chazy, NY.*

TA-W-58,591; *Western Textile Products Co., Piedmont, SC.*

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B) (shift in production to a foreign country) have not been met.

TA-W-58,567; *Moldex Tool, Meadville, PA.*

TA-W-58,584; *Vaughan Furniture Co., Inc., E.C. Dodson Plant, Galax, VA.*

TA-W-58,439; *Hart & Cooley-Milcor, Including Spherion, Inc., Lima, OH "Workers engaged in the production of access doors"*

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B) (No shift in production to a foreign country) have not been met.

TA-W-58,378; *Hoffinaster, Fonda Group, In., A Solocup Company, Glens Falls, NY.*

TA-W-58,453; *Leggett and Platt Cedar City, Div. of Leggett and Platt, Inc., Cedar City, UT.*

TA-W-58,540; *Cytech Hardwoods, Inc., Amsterdam, NY.*

TA-W-58,557; *Dannex Printing Corporation, Wood-Ridge, NJ.*

TA-W-58,592; *Stratcor, Inc., Subsidiary of Strategic Minerals Corporation, Niagara Falls, NY.*

The investigation revealed that criteria (a)(2)(A)(I.C.) (Increased imports) and (a)(2)(B)(II.C) (has shifted production to a foreign country) have not been met.

None.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-58,429; *Agilent Technologies, Inc., Global Infrastructure Org., Colorado Springs, CO.*

TA-W-58,555; *Penske Logistics, General Motors, Oklahoma City, OK.*

TA-W-58,607; *Kellwood Company, Morgantown Distribution Ctr., Morgantown, KY.*

TA-W-58,620; *Bankers Trust Services, Deutsche Bank Services Tennessee, Inc, New York, NY.*

The investigation revealed that criteria (2) has not been met. The workers firm (or subdivision) is not a supplier or downstream producer to trade-affected companies.

TA-W-58,529; *Collins and Aikman, Oklahoma City, OK.*

#### Affirmative Determinations for Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issued a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determinations.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have been met.

I. Whether a significant number of workers in the workers' firm are 50 years of age or older.

II. Whether the workers in the workers' firm possess skills that are not easily transferable.

III. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

- TA-W-58,483; Reed and Barton Corporation, Silversmiths Div., Tounton, MA, December 7, 2004.
- TA-W-58,520; Calley and Currier Company, Bristol, NH, January 23, 2006.
- TA-W-58,598; Springs Global US, Inc., Fort Mill Executive Off., Close Dev. Center, Fort Mill, SC, January 6, 2005.
- TA-W-58,439; Hart and Cooley—Milcor, Including Spherion, Inc., Lino, OH, "workers engaged in the production of registers (grilles)" November 20, 2004.
- TA-W-58,442; Weyerhoeuser Company, Large Log Mill, Aberdeen, WA, November 21, 2004.
- TA-W-58,492; Ormet Aluminum Mill Products, Hannibal Rolling Mill, Hannibal, OH, December 9, 2004.
- TA-W-58,495; Hoover Company (The), Floorcare Div., Main Plant, North Canton, OH, August 28, 2005.
- TA-W-58,495A; Hoover Company (The), Floorcare Div., Plant #2, Canton, OH, August 28, 2005.
- TA-W-58,495B; Hoover Company (The), Floorcare Div., Distribution Center, Canton, OH, August 28, 2005.
- TA-W-58,511; Kessler Industries, Inc., El Poso, TX, December 14, 2004.
- TA-W-58,523; Jasco Knitting Corp., Div. of Jasco Fabrics Inc., Linden, NJ, December 6, 2004.
- TA-W-58,527; Techpock America Cosmetic Packaging, LP, Div. of Alcan, Morristown, TN, December 20, 2004.
- TA-W-58,528; Tyco Electronics—GADAN, Electromechanical Business Unit, Frankin, KY, December 23, 2005.
- TA-W-58,593; Pliana, Inc., Charlotte, NC, January 6, 2005.
- TA-W-58,613; Olon Industries, Atlonto, GA, January 3, 2005.
- TA-W-58,667; Kimberly-Clark, Neenah South Plant, Neenah, WI, January 18, 2005.
- TA-W-58,669; Frankin Electric Compony, Siloom Springs, AR, January 18, 2005.
- TA-W-58,647; American Notional Rubber, Louiso Division, Louisa, KY, January 13, 2005.
- TA-W-58,524; Hi-Tech Plastics, Chesapeake Div., Combridge, MD, July 23, 2005.
- TA-W-58,590; Groveton Paper Board, Inc., Groveton, NH, January 5, 2005.

#### Negative Determinations For Alternative Trade Adjustment Assistance

In order for the Division of Trade Adjustment Assistance to issue a

certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

In the following cases, it has been determined that the requirements of section 246(a)(3)(ii) have not been met for the reasons specified.

Since the workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

- TA-W-58,518; Wyeth Pharmaceuticals, Wyeth Research Div., Chazy, NY.
- TA-W-58,591; Western Textile Products Co., Piedmont, SC.
- TA-W-58,584; Vaughan Furniture Co., Inc., E.C. Dodson Plant, Galox, VA.
- TA-W-58,453; Leggett and Platt Cedar City, Div. of Leggett and Platt, Inc., Cedar City, UT.
- TA-W-58,540; Cytech Hardwoods, Inc., Amsterdam, NY.
- TA-W-58,557; Dannex Printing Corporation, Wood-Ridge, NJ.
- TA-W-58,592; Stratcor, Inc., Subsidiary of Strotegic Minerals Corporation, Niagora Falls, NY.
- TA-W-58,429; Agilent Technologies, Inc., Global Infrastructure Org., Colorado Springs, CO.
- TA-W-58,555; Penske Logistics, General Motors, Oklohomo City, OK.
- TA-W-58,607; Kellwood Company, Morgantown Distribution Ctr., Morgontown, KY.
- TA-W-58,620; Bonkers Trust Services, Deutsche Bank Services Tennessee, Inc, New York, NY.
- TA-W-58,529; Collins and Aikman, Oklahomo City, OK.
- TA-W-58,439; Hart and Cooley-Milcor, including Spherion, Inc., Lima, OH "Workers engaged in the production of access doors"

The Department has determined that criterion (1) of section 246 has not been met. Workers at the firm are 50 years of age or older.

TA-W-58,616; Linn Benton Community College, At Hewlett-Pockard Compony, Corvallis, OR.

The Department has determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

- TA-W-58,568; ARC Automotive, Inc., Div. of the Sequa Corp., Camden, AR.
- TA-W-58,537; Leach Company, Inc., Federal Signal, Refuse Division, Appleton, WI.

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

I hereby certify that the aforementioned determinations were issued during the month of January 2006. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 31, 2006.

Erica R. Cantor,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E6-1919 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

#### NATIONAL SCIENCE FOUNDATION

##### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announced the following meeting:

Name: Proposed Review Panel for Materials Research (DMR) #1203.

Dates and Times: April 6, 2006; 7:30 a.m.—9 p.m., April 7, 2006; 7:45 a.m.—4 p.m.

Place: Pennsylvania State University, State College, PA.

Type of Meeting: Part-open.

For Further Information Contact: Dr. Thomas Rieker, Program Director, Materials Research Science and Engineering Centers Programs, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 2902-4914.

Purpose of Meeting: To provide advice and recommendations concerning further support of the Materials Research Science and Engineering Center.

Agenda:

Thursday, April 6, 2006

7:45 a.m.—8:45 a.m. Closed—Executive session

8:45 a.m.—5:15 p.m. Open—Review of the Materials Research Science and Engineering Center at Pennsylvania State University

5:15 p.m.—6:30 p.m. Closed—Executive session

7 p.m.—9 p.m. Open—Dinner

Friday, April 7, 2006

8 a.m.—9 a.m. Closed—Executive session

9 a.m.—10:45 a.m. Open—Review of the Materials Research Science and Engineering Center at Pennsylvania State University

10:45 a.m.—4 p.m. Closed—Executive Session, Draft and Review Report

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information: financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552

b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 6, 2006.

Susanne Bolton,

Committee Management Office.

[FR Doc. 06-1241 Filed 2-9-06; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Draft Report for Comment: Office of Nuclear Reactor Regulation Standard Review Plan, Section 17.5, "Quality Assurance Program Description—Design Certification, Early Site Permit and New License Applicants"

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has issued Section 17.5, Draft Revision 0, "Quality Assurance Program Description—Design Certification, Early Site Permit and New License Applicants," of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition" for public comment.

**DATES:** Comments on this draft document must be submitted by April 11, 2006. To ensure efficient and complete comment resolution, comments should include references to the section, page, and line numbers of the document to which the comment applies.

**ADDRESSES:** NUREG-0800, including Section 17.5, Draft Revision 0, is available for inspection and copying for a fee at the Commission's Public Document Room, NRC's Headquarters Building, 11555 Rockville Pike (First Floor), Rockville, Maryland. The Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays. NUREG-0800, including Section 17.5, Draft Revision 0, is also available electronically on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>, and from the ADAMS Electronic Reading Room on the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession No. ML060180622).

Members of the public are invited and encouraged to submit written comments. Comments may be accompanied by additional relevant information or supporting data. A number of methods may be used to

submit comments. Written comments should be mailed to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Mail Stop T6-D59, Washington, DC 20555-0001. Hand-deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments may be submitted electronically to: [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov). Comments also may be submitted electronically through the comment form available on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>.

Please specify the report number NUREG-0800, Section 17.5, Draft Revision 0, in your comments, and send your comments by April 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Stephen Tingen, Mail Stop O-6F2, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-1280; Internet: [sgt@nrc.gov](mailto:sgt@nrc.gov).

**SUPPLEMENTARY INFORMATION:** This new Standard Review Plan (SRP) section is guidance to the staff reviewers in the Office of NRR for performing safety reviews of quality assurance (QA) programs for design certification, early site permit (ESP) and combined license applications submitted under 10 CFR Part 52, as well as new construction permit and operating license applications submitted under 10 CFR Part 50. The principal purpose of the SRP is to ensure the quality and uniformity of staff safety reviews. It is also the intent of this plan to make information about regulatory matters widely available and to improve communication between the NRC, interested members of the public, and the nuclear power industry, thereby increasing understanding of the review process.

SRP Section 17.5 is based on a combination of the following NRC endorsed guidance: ASME Standard NQA-1, "Quality Assurance Program for Nuclear Facilities" (1994 Edition); Regulatory Guide (RG) 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," Revision 3; RG 1.28, "Quality Assurance Program Requirements (Design and Construction)," Revision 3; RG-1.33, "Quality Assurance Program Requirements (Operation)," Revision 2; Review Standard 002, "Processing Applications for Early Site Permits," Revision 0; Nuclear Information and Records Management Association, Inc. (NIRMA) Technical Guide (TG) 11-1998, "Authentication of Records and Media;" NIRMA TG 15-1998, "Management of Electronic Records;"

NIRMA TG 16-1998, "Software Configuration Management and Quality Assurance;" NIRMA TG 21-1998, "Electronic Records Protection and Restoration;" Electric Power Research Institute NP-5652, "Guideline for the Utilization of Commercial—Grade Items in Nuclear Safety-Related Applications (NCIG-07);" SRP Section 17.1, "Quality Assurance During the Design and Construction Phases," Draft Revision 3; SRP Section 17.2, "Quality Assurance During the Operations Phase," Draft Revision 3; and SRP Section 17.3, "Quality Assurance Program," Draft Revision 1. The provisions in 10 CFR 50.69, "Risk-Informed Categorization of Structures, Systems and Components of Nuclear Power Reactors," regarding QA controls for nonsafety-related systems, structures, and components that perform safety significant functions are included in SRP Section 17.5. The provisions in 10 CFR Part 21 and 10 CFR 50.55(e) regarding reporting of defects and noncompliance are included in SRP Section 17.5. A number of NRC approved changes to QA programs that were originally based on existing SRP Sections 17.1, 17.2, and 17.3 that are considered by the NRC to be generic in nature are also included in SRP Section 17.5. The independent review criteria in existing SRP Section 13.4, "Operational Review," have been relocated to SRP Section 17.5.

SRP Section 17.5 is to be used by the staff for guidance for the review of new QA programs. SRP Section 17.5 does not replace existing SRP Sections 13.4, 17.1, 17.2 and 17.3. These existing SRPs continue to be applicable to QA programs as previously approved by the NRC.

Dated at Rockville, MD, this 1st day of February, 2006.

For the Nuclear Regulatory Commission.

Dale F. Thatcher,

Chief, Quality & Vendor Branch A, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. E6-1924 Filed 2-9-06; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 15g-6, SEC File No. 270-349, OMB Control No. 3235-0395

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

• (Rule 15g-6—Account statements for penny stock customers.

Rule 15g-6 under the Securities Exchange Act of 1934 requires brokers and dealers that sell penny stocks to their customers to provide monthly account statements containing information with regard to the penny stocks held in customer accounts. The information is required to be provided to customers of broker-dealers that effect penny stock transactions in order to provide those customers with information that is not now publicly available. Without this information, investors would be less able to protect themselves from fraud and to make informed investment decisions.

The staff estimates that there are approximately 240 broker-dealers that are subject to the rule. The staff estimates that the firms affected by the rule will, at any one time, have approximately 150 new customers with whom they have effected transactions in penny stocks, each of whom would receive a maximum of 12 account statements per year, for a total of 1,800 account statements annually for each firm (150 customers × 12 account statements/customer). The staff estimates that a broker-dealer would expend approximately three minutes in processing the information required for each account statement. Accordingly, the estimated average annual burden would equal 90 hours (1,800 account statements × 3 minutes/account statement + 1 hour/60 minutes), and the estimated average total burden would equal 21,600 hours (90 hours × 240).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use

of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: February 1, 2006.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-1831 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form N-SAR; SEC File No. 270-292; OMB Control No. 3235-0330.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

• Form N-SAR—Semi-Annual Report for Registered Investment Companies

Form N-SAR is the form used by all registered investment companies with the exception of face amount certificate companies, to comply with the periodic filing and disclosure requirements imposed by Section 30 of the Investment Company Act of 1940 [15 U.S.C. 80a-1 *et seq.*], and of rules 30a1-1 and 30b1-1 under the Act. The information required to be filed with the Commission assures the public availability of the information and permits verification of compliance with Investment Company Act requirements. Registered unit investment trusts are required to provide this information on an annual report filed with the Commission on Form N-SAR (OMB Control No. 3235-0330) pursuant to rule 30a1-1 under the Investment Company Act [17 CFR 30a1-1], and registered management investment companies

must submit the required information on a semi-annual report on Form N-SAR pursuant to rule 30b1-1 under the Act [17 CFR 270.30b1-1].<sup>1</sup>

The Commission estimates that the total number of respondents is 4,130 and the total annual number of responses is 7,430 ((3,300 respondents X 2 responses per year) + (830 respondents X 1 response per year)). The Commission estimates that each registrant filing a report on Form N-SAR would spend, on average, 14.43 hours in preparing and filing the Form and that the total hour burden for all Form N-SAR filings would be 107,203 hours. Estimates of the burden hours are made solely for the purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

February 2, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6-1833 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon written request, copies available from:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

<sup>1</sup> Face amount certificate companies are required to file periodic reports pursuant to Section 13 or 15(d) of the Exchange Act [15 U.S.C. 78m, 78e(d)].

**Extension:**

Rule 9b-1; SEC File No. 270-429; OMB Control No. 3235-0480.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

**Options Disclosure Document**

Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1) sets forth the categories of information required to be disclosed in an options disclosure document ("ODD") and requires the options markets to file an ODD with the Commission 60 days prior to the date it is distributed to investors. In addition, Rule 9b-1 provides that the ODD must be amended if the information in the document becomes materially inaccurate or incomplete and that amendments must be filed with the Commission 30 days prior to the distribution to customers. Finally, Rule 9b-1 requires a broker-dealer to furnish to each customer an ODD and any amendments, prior to accepting an order to purchase or sell an option on behalf of that customer.

There are 6 options markets that must comply with Rule 9b-1. These 6 respondents work together to prepare a single ODD covering options traded on each market, as well as amendments to the ODD. These respondents file no more than one amendment per year, which requires approximately 8 hours per year for each respondent. Thus, the total compliance burden for options markets per year is 48 hours. The approximate cost per hour is \$100, resulting in a total cost of compliance for these respondents of \$4,800 per year (48 hours @ \$100).

In addition, approximately 2,000 broker-dealers must comply with Rule 9b-1. Each of these respondents will process an average of three new customers for options each week and, therefore, will have to furnish approximately 156 ODDs per year. The postal mailing or electronic delivery of the ODD takes respondents no more than 30 seconds to complete for an annual compliance burden for each of these respondents of 78 minutes, or 1.3 hours. Thus, the total compliance burden per year is 2,600 hours (2,000 broker-dealers x 1.3 hours). The approximate cost per hour to these respondents is \$10 per hour, resulting in

a total cost of compliance for these respondents of \$26,000 per year (2,600 hours @ \$10).

The total compliance burden for all respondents under this rule (both options markets and broker-dealers) is 2648 hours per year (48 + 2,600), and total compliance costs of \$30,800 (\$4,800 + \$26,000).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

February 1, 2006.

Nancy M. Morris,

Secretary.

[FR Doc. E6-1834 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[File No. 1-18460]

**Issuer Delisting; Notice of Application of Community Capital Corporation To Withdraw Its Common Stock, \$1.00 Par Value, From Listing and Registration on the American Stock Exchange LLC**

February 2, 2006.

On January 19, 2006, Community Capital Corporation, a South Carolina corporation ("Issuer"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its common stock, \$1.00 par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex").

On January 18, 2006, the Board of Directors ("Board") of the Issuer

unanimously approved resolutions to withdraw the Security from listing and registration on Amex and to list the Security on the Nasdaq National Market ("Nasdaq"). The Issuer stated that the following reasons factored into the Board's decision: (i) The Board believes that listing the Security on Nasdaq will provide visibility for the Security, improve liquidity in the Security, and provide better execution quality for investors; and (ii) the Board believes that more of the Issuer's peer financial institutions are listed on Nasdaq than listed on Amex.

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of South Carolina, in which it is incorporated, and provided written notice of withdrawal to Amex.

The Issuer's application relates solely to withdrawal of the Security from listing on Amex and from registration under section 12(b) of the Act,<sup>3</sup> and shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before February 28, 2006, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

**Electronic Comments**

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-18460 or;

**Paper Comments**

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number 1-18460. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room.

<sup>1</sup> 15 U.S.C. 78f(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(g).

All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

Nancy M. Morris,

Secretary.

[FR Doc. E6-1845 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-06351]

### Issuer Delisting; Notice of Application of Eli Lilly and Company To Withdraw Its Common Stock, No Par Value, From Listing and Registration on the Pacific Exchange, Inc.

February 2, 2006.

On December 23, 2005, Eli Lilly and Company, an Indiana corporation ("Issuer"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its common stock, no par value ("Security"), from listing and registration on the Pacific Exchange, Inc. ("PCX").

On June 24, 2005, the Board of Directors ("Board") of the Issuer adopted resolutions to withdraw the Security from listing and registration on PCX. The Issuer stated that it determined to withdraw the Security from PCX for the followings reasons: (i) The Issuer maintains its primary listing on the New York Stock Exchange, Inc. ("NYSE") as well as its secondary listings on the London Stock Exchange and the SWX Swiss Stock Exchange; (ii) the Security is widely traded on several electronic exchanges; (iii) in light of the strong liquidity and visibility of the trading market for the Security on NYSE and other exchanges, the additional expenses and administrative burden of maintaining a secondary listing on PCX outweigh the benefits of maintaining the listing on PCX.

<sup>1</sup> 17 CFR 200.30-3(a)(1).

<sup>2</sup> 15 U.S.C. 78l(d).

<sup>3</sup> 17 CFR 240.12d2-2(d).

The Issuer stated in its application that it has complied with applicable rules of PCX by providing PCX with the required documents governing the withdrawal of securities from listing and registration on PCX. The Issuer's application relates solely to the withdrawal of the Security from listing on PCX, and shall not affect its continued listing on NYSE or its obligation to be registered under section 12(b) of the Act.<sup>3</sup>

Any interested person may, on or before February 28, 2006, comment on the facts bearing upon whether the application has been made in accordance with the rules of PCX, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-06351 or;

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number 1-06351. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

<sup>4</sup> 15 U.S.C. 78l(b).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

Nancy M. Morris,

Secretary.

[FR Doc. E6-1844 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53227; File No. PCAOB-2005-01]

### Public Company Accounting Oversight Board; Order Approving Proposed Auditing Standard No. 4, Reporting on Whether a Previously Reported Material Weakness Continues to Exist

February 6, 2006.

#### I. Introduction

On July 28, 2005, the Public Company Accounting Oversight Board (the "Board" or the "PCAOB") filed with the Securities and Exchange Commission ("Commission") proposed Auditing Standard No. 4, *Reporting on Whether a Previously Reported Material Weakness Continues to Exist*, pursuant to the Sarbanes-Oxley Act of 2002 (the "Act")<sup>1</sup> and Section 19(b) of the Securities Exchange Act of 1934 (the "Exchange Act").<sup>2</sup> Auditing Standard No. 4 establishes requirements that apply when an auditor is engaged to report on whether a previously reported material weakness in internal control over financial reporting continues to exist.<sup>3</sup> Also, in connection with proposed Auditing Standard No. 4, the Board adopted a proposed conforming amendment to AT sec. 101, which encompasses *agreed-upon procedures* engagements in which an auditor reports findings based on specific procedures performed on a subject matter. AT sec. 101, *Attest Engagements*, is one of the interim attestation standards adopted by the PCAOB in April 2003.<sup>4</sup> Notice of proposed Auditing Standard No. 4 and proposed amendment to AT sec. 101 (collectively referred to as the "Proposed Standard") was published in

<sup>1</sup> 17 CFR 200.30-3(a)(1).

<sup>2</sup> 15 U.S.C. 7202 *et seq.*

<sup>3</sup> 15 U.S.C. 78s(b).

<sup>4</sup> A previously reported material weakness, in the context of the proposed auditing standard, means a material weakness that was described previously in an auditor's report issued pursuant to PCAOB Auditing Standard No. 2, *An Audit of Internal Control Over Financial Reporting Performed in Conjunction with an Audit of Financial Statements*.

<sup>5</sup> The Commission approved the PCAOB's adoption of the interim standards in Release No. 34-47745, *Order Regarding Section 103(a)(3)(B) of the Sarbanes-Oxley Act of 2002* (April 25, 2003).



the Federal Register on December 30, 2005,<sup>5</sup> and the Commission received six comment letters. For the reasons discussed below, the Commission is granting approval of the Proposed Standard.

## II. Description

The Act establishes the PCAOB to oversee the audits of public companies and related matters, to protect investors, and to further the public interest in the preparation of informative, accurate and independent audit reports.<sup>6</sup> Section 103(a) of the Act directs the PCAOB to establish auditing and related attestation standards, quality control standards, and ethics standards to be used by registered public accounting firms in the preparation and issuance of audit reports as required by the Act or the rules of the Commission.

The Proposed Standard is applicable to engagements tailored solely to report on whether a previously reported material weakness continues to exist. Such an engagement is voluntary in nature at the election of management, and may be performed as of any reasonable date selected by management. The auditor may report on the remediation of one or more material weaknesses as part of a single engagement, and the engagement need not be performed in conjunction with an audit or review of the company's financial statements. In order to perform such an engagement, the auditor must receive a written report from management that contains several elements, including a statement from management that the identified material weakness no longer exists as of the date specified by management. If the auditor determines that the material weakness continues to exist, the company may re-address remediation efforts and re-engage the auditor to opine on whether the material weakness continues to exist. The Proposed Standard also includes illustrative auditor's reports (Appendix A) and additional guidance (Appendix B—"Background and Basis for Conclusions").

The Proposed Standard states that, if approved by the Commission, it would be effective as of the date of Commission approval.

## III. Discussion

The Commission's comment period on the Proposed Standard ended on January 20, 2006, and the Commission received six comment letters. The comment letters came from four

registered public accounting firms and two professional associations.

None of the comment letters received were from issuers or investors. In general, the respondents expressed support for the Proposed Standard.

As part of their comment letters, two accounting firms and a professional organization representing the internal audit profession requested guidance on questions regarding the acceptable forms for use in filing management's report and the auditor's report. In response to these questions, the following is noted:

- Since the Commission's rules do not specifically address the filing of such voluntary information, if an issuer wishes to publicly disseminate the reports of management and the auditor on whether a previously reported material weakness continues to exist, an issuer can use any Exchange Act form it believes is appropriate.

- Our rules do not specify the form of disclosure that management should use when describing the circumstances surrounding the remediation of a previously reported material weakness, and our general disclosure principle and requirements would apply. However, the disclosure should not amend management's conclusion on the effectiveness of internal control over financial reporting as of the end of the fiscal year (performed pursuant to the Commission's rules implementing Section 404 of the Sarbanes Oxley Act of 2002).<sup>7</sup> Further, management can only conclude that internal control over financial reporting is effective if as of the time of remediation of a material weakness (or as of any other time) an assessment of effectiveness pursuant to those rules is performed as of that time.

- If the remediation was completed between the end of the fiscal year and the filing of the Form 10-K, management may include a single, combined report on the results of the annual assessment of internal control over financial reporting and the subsequent conclusion related to the remediation of a material weakness identified in the annual assessment.

## IV. Conclusion

The Commission believes that the proposed rules provide a reasonable format for assessing whether a material weakness in a company's internal controls that has been, or is being, reported to investors continues to exist. However, to facilitate implementation of

the standard, the Commission expects the PCAOB, within 90 days of the issuance of this order, to issue a clear and concise outline of the affirmative audit steps set forth in the standard.

On the basis of the foregoing, the Commission finds that proposed Auditing Standard No. 4 and the proposed amendment to AT sec. 101 are consistent with the requirements of the Act and the securities laws and are necessary and appropriate in the public interest and for the protection of investors.

*It is therefore ordered*, pursuant to Section 107 of the Act and Section 19(b)(2) of the Exchange Act, that proposed Auditing Standard No. 4, *Reporting on Whether a Previously Reported Material Weakness Continues to Exist* and a proposed Conforming Amendment—AT sec. 101, *Attest Engagements* (File No. PCAOB-2005-01) be and hereby is approved.

By the Commission.  
Nancy M. Morris,  
Secretary.  
[FR Doc. E6-1841 Filed 2-9-06; 8:45 am]  
BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53220; File No. SR-Amex-2005-100]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Thereto Relating to the Establishment of a New Class of Registered Options Trader Called a Remote Registered Options Trader ("RROT")

February 3, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2005, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. On January 13, 2006, the Amex filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On January 26, 2006, the Amex filed Amendment No. 2 to the proposed

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Amendment No. 1, which replaced and superseded the original filing in its entirety, is incorporated in this notice.

<sup>5</sup> Release No. 34-52990 (December 21, 2005) [70 FR 77602].

<sup>6</sup> Section 101(a) of the Act.

<sup>7</sup> Release No. 34-47986, *Management's Reports on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports* (June 5, 2003).

rule change.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new Rule 994—ANTE and to amend existing Rules 900—ANTE, 918—ANTE, 935—ANTE, 936—ANTE, 936C—ANTE, 950—ANTE, 951—ANTE, 958—ANTE and 958A—ANTE to authorize a new category of Registered Options Traders ("ROTs") called a Remote Registered Options Trader ("RROT").

The text of the proposed rule change is available on the Amex's Web site at <http://www.amex.com>, at the Amex's principal office, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to create a new category of ROTs called an RROT. An RROT is a ROT which would be a member or member organization so designated by the Exchange which would be awarded remote quoting rights to enter bids and offers electronically from locations other than the trading crowd where the applicable options class is traded on the Exchange's physical trading floor.

The Exchange's proposal introduces the concept of awarding remote quoting rights to specialists and ROTs based on quantitative criteria. Specialists would be awarded remote quoting rights based on Exchange floor volume executed and their percentage of the average market share of industry volume in the options in which they specialize per quarter.

<sup>4</sup> Amendment No. 2, which made clarifying changes to the Purpose section, as well as changes to the proposed rule text, is incorporated in this notice.

ROTs would be awarded remote quoting rights based solely on floor volume executed. The Exchange believes that the award of remote quoting rights will serve to foster competition and award specialists and ROTs for their performance in the option classes in which they trade.

Furthermore, the proposed RROT program combines the electronic and open outcry trading models. Currently, the Exchange permits ROTs to submit quotes only from the physical trading floor. In this regard, the Exchange anticipates that offering the ability to enter offers and bids electronically away from the location where the options class is traded on the Exchange's physical trading floor will increase the liquidity available in those classes to which the RROT is assigned, as well as enhance the overall competitiveness of the Exchange.<sup>5</sup>

Exchange Rules applicable to ROTs would not apply to RROTs unless otherwise specified. The proposed rules and amendments to current rules discussed below would address the definition, approval process, quoting rights and obligations of RROTs.

#### Remote Registered Options Traders Program

i. *Application for Designation as an RROT.* Proposed Rule 994—ANTE (a) sets forth an RROT's application and termination procedures. Under the Exchange's proposal, an RROT is defined as a ROT that is a member or member organization that would be granted remote quoting rights to enter bids and offers electronically from locations other than the trading crowd, both on and off the Exchange's trading floor, where the applicable options class is traded.

A member or member organization requesting approval to be designated as an RROT is required to file a written application with the Exchange, pursuant to Exchange Rules, indicating that it is qualified as a ROT. Under the proposal, an RROT applicant that seeks to withdraw as such must notify the Exchange at least three business days

<sup>5</sup> See Securities Exchange Act Release No. 53161 (January 20, 2006), 71 FR 4388 (January 26, 2006) (File No. SR-Amex-2005-75), regarding the Exchange's proposed Supplemental Registered Options Trader ("SROT") program. An SROT is defined as a ROT that is a member organization so designated by the Exchange that would be granted remote quoting rights to enter bids and offers electronically from off the Exchange's physical trading floor. The SROT program proposes similar amendments proposed to be made to the Exchange Rules herein. Assuming that the SROT proposal receives Commission approval at an earlier date, the Exchange anticipates incorporating the changes proposed in the SROT filing into this filing at that time.

prior to the desired effective date of such withdrawal. The Exchange may suspend or terminate any assignment of an RROT in one or more classes whenever, in the Exchange's judgment, the interests of a fair and orderly market are best served by such action. An RROT may seek review of the suspension or termination of its designation pursuant to Article IV, Section 1(g) of the Constitution and Rule 40.

ii. *Remote Quoting Rights.* The Exchange's proposal introduces the concept of awarding remote quoting rights to ROTs and specialists.

a. *Remote Quoting Rights Earned by Volume.* ROTs and specialists would earn remote quoting rights based on the percentage of Amex floor volume they execute. Volume executed via remote quoting would not count towards earning remote quoting rights.

The pool of quoting rights awarded by volume would be established quarterly by a Committee designated by the Board of Governors of the Exchange that would include a representative from the Options Market Maker Association and a representative from the Options Specialist Association (the "Committee"). The Committee would announce the pool of available quoting rights available to be earned by percentage of Amex floor volume, for the subsequent trading period, not later than the first business day of each calendar quarter. The membership would be informed of the amount of quoting rights earned no later than one week prior to the commencement of the subsequent trading period.

By way of example, in a given quarter, the Committee may set the total number of quoting rights to be awarded by the percentage of Amex floor volume at 1,000 quoting rights. Assuming the Exchange's total floor volume for a given quarter amounts to 20 million contracts, a member or member organization which has traded 2 million contracts that quarter has traded 10% of the total Amex floor volume. A member or member organization which has traded 10% of the total Amex floor volume would earn 10% of the available quoting rights, or 100 quoting rights. A member or member organization which has traded 1 million contracts in that same quarter has traded 5% of the Amex floor volume and would earn 5% of the available quoting rights, or 50 quoting rights.

b. *Remote Quoting Rights Earned by Market Share.* Specialists may also earn remote quoting rights based on their percentage of the average market share of the industry volume in the option classes in which they specialize per

quarter. The award of remote quoting rights to specialists would be based upon their market share in the top 100

option classes by industry volume, top 101-300 option classes by industry

volume, and remaining option classes as follows:

#### OPTIONS CLASSES

Specialist percent of market share	Top 100	101-300	301+
Greater than 20+ .....	3.00 Rights .....	1.50 Rights .....	0.75 Rights.
15-19.99 .....	1.50 Rights .....	0.75 Rights .....	0.25 Rights.
10-14.99 .....	0.50 Rights .....	0.25 Rights .....	0.00 Rights.

Option classes with an average daily Amex volume of less than 100 contracts would be excluded from this determination. The number of remote quoting rights earned would vary quarterly based on the foregoing criteria.

A specialist's quarterly market share may not be predetermined. As such, unlike the quoting rights available to be earned by the percentage of the total Amex floor volume, remote quoting rights based on market share would not be preset. The Exchange anticipates that such incentive-based quoting rights will promote competition and encourage specialists to gain an increased market share in the options classes in which they trade.

Pursuant to the table above, if a particular specialist firm has earned 14% of the market share in a given option class which is in the top 100 option classes by industry volume, this firm would earn .05 quoting rights for that class. A specialist firm that has earned 25% of the market share in a given option class which is ranked 250 would earn 1.5 quoting rights for that class. A specialist firm that has earned 17% of the market share in a given option class which is ranked 350 would earn .25 quoting rights for that class. This analysis is conducted for every class traded by that specialist. Quoting Rights are totaled and rounded to the nearest whole right.

The Exchange proposes that an RROT would be assigned classes pursuant to existing Commentary .05 to Rule 958—ANTE. Each remote quoting right would permit an RROT to remotely quote one option class, and no fractional remote quoting rights would be issued. Furthermore, RROT's may make adjustments to the option classes in which they will remotely quote in the form and manner set forth in Commentary .05 to Rule 958—ANTE.

*c. Notification of Quoting Rights Earned.* As noted above, the pool of quoting rights earned by the percentage of Amex floor volume would be defined quarterly by the Committee. The Committee would announce the pool of quoting rights available to be earned by percentage of Amex floor volume, for

the subsequent trading period, no later than the first business day of each calendar quarter.

The Committee would notify eligible members and member organizations of the quoting rights they have earned, based on both volume and market share, no later than the tenth business day of each calendar quarter. Although the determinations regarding quoting rights would occur quarterly, the time frame during which the quoting rights may be used would be the subsequent three calendar months.<sup>6</sup>

The Exchange further proposes that remote quoting rights would be transferable. The transfer of remote quoting rights would be private transactions between the members and member organizations. Members and member organizations would be required to notify the Exchange of the transfer of any rights.

iii. *RROT Obligations.* Under the Exchange's proposal, RROT's must have at least one active floor member acting as a ROT, subject to limitations set forth in the "Affiliation Limitations" section of proposed Rule 994—ANTE, and may remotely quote in up to five (5) option classes per seat owned or leased without any additional seat requirements. RROT's will be required to purchase or lease one additional seat for every forty (40) option classes remotely quoted in excess of the five option classes permitted pursuant to 994—ANTE (c)(i)(a). For example, a member firm with two (2) seats may quote in up to ten (10) option classes, without any additional seat requirements. Likewise, a member firm with twenty (20) seats may quote in up to one-hundred (100) option classes without any additional seat requirements. Quoting remotely in any additional option classes would

require one additional seat for every forty (40) option classes remotely quoted.

Furthermore, Exchange memberships used to satisfy membership requirements to remotely quote as an RROT may not be used for any other purpose while being used in an RROT capacity, including being leased to another member or for trading on the trading floor. An Exchange membership would include a regular membership and an options principal membership.

RROT's would also be required to provide continuous two-sided quotations in accordance with the parameters set forth in Rule 958—ANTE (c) in at least 60% of the series of their assigned classes. RROT's may not enter quotations electronically in options classes in which they are not assigned as an RROT. The initial size of an RROT's remote quotes must be for at least ten contracts (undecimated size). An RROT may be called upon by a Floor Official to submit a single quote or maintain continuous quotes in one or more series of an option class to which the RROT is assigned whenever it is in the interest of maintaining a fair and orderly market. Finally, RROT's will be subject to the current designation of options areas that exist for ROT's.<sup>7</sup> In this manner, options and equity trading will be sufficiently separated so that no time or place advantage may potentially be derived from the proximity of the equity and option trading areas. As a result, in connection with the introduction of RROT's, the Exchange represents that there will be no "line of sight" between designated options trading areas and equity trading areas on the floor of the Exchange.

The Exchange's proposal further states that an RROT may not be assigned to an option class where the RROT has a direct or indirect affiliate who is an RRQT, ROT, or specialist in that option class. The Exchange's proposal specifically requires that no person who is either directly or indirectly affiliated

<sup>6</sup> First quarter data regarding percentage of Amex floor volume and industry market share earned per options class would be used to determine the quoting rights awarded for May, June and July. Second quarter data would be used to determine quoting rights for August, September and October. Third quarter data would be used to determine the quoting rights for November, December and January. Four quarter data would be used to determine the quoting rights for February, March and April.

<sup>7</sup> See Securities Exchange Act Release Nos. 39631 (February 9, 1998), 63 FR 8229 (February 18, 1998) and 46362 (August 15, 2002), 67 FR 54243 (August 21, 2002).

with an RROT may submit quotations as an RROT, ROT, or specialist in an option class in which the affiliate RROT is assigned. Furthermore, RROTs would be required to maintain information barriers that are reasonably designed to prevent the misuse of material, non-public information with any affiliates that may conduct a brokerage business in option classes assigned to an RROT, or that may act as a market maker in any security underlying options assigned to an RROT. The proposal further requires RROTs to comply with Rule 193 regarding the misuse of material non-public information between the affiliate and the specialist member organization. The purpose of this provision is to prevent numerous affiliated parties from quoting electronically in the same option classes and receiving multiple automatic allocations for the same or affiliated beneficial account owners.

iv. 900—ANTE. Rule 900—ANTE currently sets forth the applicability, definitions and references on ANTE. The Exchange proposes to include the definition of an RROT in 900—ANTE. An RROT is defined as a ROT that is a member or member organization so designated by the Exchange that would be awarded remote quoting rights to enter bids and offers electronically from locations other than the trading crowd where the applicable options class is traded on the Exchange's physical trading floor. Furthermore, an RROT would be subject to the obligations set forth under proposed Rule 994—ANTE. Exchange rules applicable to ROTs would not apply to RROTs unless specified.

The Exchange also proposes to amend the term "ANTE Participant" to include an RROT assigned to trade a specific options class on the ANTE System.

v. 918—ANTE. Rule 918—ANTE currently sets forth the automated opening, reopening and closing rotation procedures, trading halts and the supervision of such procedures. The Exchange proposes to amend Commentary .01 to Rule 918—ANTE to include paragraph (c), which provides that RROTs may not submit market orders prior to the opening. RROTs may, however, submit quotes or limit orders prior to the opening.

vi. 935—ANTE. Rule 935—ANTE currently provides for the allocation of all contracts executed through the ANTE System. The Exchange proposes to amend to Rule 935—ANTE to include RROTs. Under the Exchange's proposal, the ANTE System will allocate executed contracts to non-broker-dealer customers, broker-dealers, competing market makers, specialists, ROTs and

RROTs in accordance with the provisions therein.

vii. 936—ANTE and 936C—ANTE. Rule 936—ANTE and Rule 936C—ANTE govern the cancellation and adjustment of equity options transactions and the cancellation and adjustment of index option transactions, respectively.<sup>8</sup> The Exchange proposes to amend Rule 936—ANTE and Rule 936C—ANTE to include RROT transactions in those that may be cancelled or adjusted. The proposal further modifies the notification requirement to allow Trading Officials and/or the Obvious Error Panel reviewing the transactions to either orally or electronically notify the members involved in the transaction of their determination. The purpose of the proposed electronic notification requirement is to provide notice to RROTs engaging in transactions off the Exchange's physical trading floor.

viii. 950—ANTE. Rule 950—ANTE (b) currently provides rules for priority and parity at the opening. Paragraph (b)(i) specifically provides that after the opening, an options specialist acting as principal may only retain priority over, or be on parity with, orders for the accounts of broker-dealers, but may not retain priority over, or be on parity with, off-floor orders for the accounts of public customers. The Exchange proposes to amend 950—ANTE (b)(i) to identify RROTs as broker-dealers. Commentary .01 of paragraph (c) currently provides that after the opening, an options specialist acting as principal, may only retain priority over or be on parity with orders for the accounts of broker-dealers but may not retain priority over or be on parity with off-floor orders for the accounts of public customers. Commentary .02 of paragraph (c) provides that options orders for the accounts of broker-dealers may only retain priority over or be on parity with orders for the accounts of broker-dealers but may not retain priority over or be on parity with off-floor orders for the accounts of public customers. The proposed amendments to Commentaries .01 and .02 of paragraph (c) also categorize an RROT as a broker-dealer. Finally, the proposed amendment to Commentary .02 of paragraph (l) will require RROTs to compete with one another to improve the quoted markets in all series of option classes in which they trade.

ix. 951—ANTE. Rule 951—ANTE currently governs the bids and offers of options contracts. Commentary .01 to Rule 951—ANTE provides that if the bid

or offer of a specialist or ROT, locks or crosses the ABBO, the ANTE System will revise the bid by one or more minimum price variations lower than the bid submitted, or revise the offer by one or more minimum price variations higher than the offer submitted, so that the bid or offer submitted does not lock or cross the ABBO provided.<sup>9</sup> The Exchange proposes to amend Commentary .01 to Rule 951—ANTE to apply to RROTs.

x. 958—ANTE. Rule 958—ANTE governs ANTE options transactions of registered options traders. Pursuant to 958—ANTE (a), ROTs are assigned classes of options in accordance with the existing procedures set forth in Commentary .05. Rule 958—ANTE (a) also provides that any option transactions initiated by a ROT on the Floor and through the facilities of the Exchange for any account in which the ROT has an interest would be in such assigned classes. Paragraph (b) of Rule 958—ANTE provides that transactions of a ROT must be reasonably calculated to contribute to the maintenance of a fair and orderly market, and no ROT should enter into transactions or make bids or offers that are inconsistent with such a course of dealings. Paragraph (c) of Rule 958—ANTE provides that whenever ROTs participate in the trading of options in other than a floor brokerage capacity, or are called upon by a floor official or floor broker acting in an agency capacity, they would be required to make competitive bids and offers necessary, in a market making capacity, to contribute to the maintenance of a fair and orderly market. The Exchange proposes to apply paragraphs (a), (b) and (c) of 958—ANTE to RROTs as they currently apply to ROTs.

Paragraph (h) currently provides that ROTs may choose to use an Exchange provided or proprietary automated quote system to calculate and disseminate quotes, or join the specialist's disseminated quotation in some or all of his assigned classes or series. Paragraph (h) further provides that ROTs must be physically present at the specialist's post on the floor of the Exchange where that options class is traded.

<sup>9</sup> The ANTE System collects all of the quotes being calculated by the specialist and each ROT, and determines the best bid and best offer for dissemination pursuant to the firm quote rule, as the Amex Best Bid and Offer ("ABBO"). The ANTE System never allows a locked or crossed market to occur in the ABBO. If a quote is submitted that would lock or cross the ABBO, the ANTE System will revise the bid or the offer by the minimum price variant(s) so that the ABBO is not locked or crossed.

<sup>8</sup> See Securities Exchange Act Release No. 51246 (February 24, 2005), 70 FR 10425 (March 3, 2005).

Under the Exchange's proposal, RROT's would also use an authorized or proprietary automated quote system to calculate and disseminate quotes. RROT's may not use the "join quote" feature in ANTE. The Exchange believes that requiring RROT's to submit their own quotes in options that an RROT is assigned will serve to further foster active quote competition. Finally, the Exchange proposes that RROT's, as well as ROT's and specialists, must compete with each other to improve the quoted markets in all series of option classes which they trade. The Exchange further proposes to remove the in-person requirement for RROT's as provided in paragraph (h) because the RROT may not be physically present.

xi. 958A—ANTE. Rule 958A—ANTE, the Exchange's Firm Quote Rule, currently provides that ROT's, when inputting their own quotes through an Exchange provided or proprietary automated quote calculation system, would each be considered a responsible broker or dealer for their bids or offers to the extent of their quotation size. The Exchange proposes to amend Rule 958A—ANTE (a)(ii)(C) to include RROT's as responsible broker-dealers to the extent of their quotation size for the purposes of this rule.

## 2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>11</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, and, in general, to protect investors and the public interest.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received by the Exchange on this proposal.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- (A) By order approve such proposed rule change, as amended, or
- (B) Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Amex-2005-100 on the subject line.

### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Amex-2005-100. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, Station Place, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal

office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Amex-2005-100 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-1832 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53232; File No. SR-Amex-2006-008]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Specialist Transaction Fee

February 6, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 1, 2006, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Exchange has designated this proposal as one establishing or changing a due, fee or other charge imposed by the Exchange under section 19(b)(3)(A),<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise its Specialist Transaction Fee. The text of the proposed rule change is available on the Amex's Web site at <http://www.amex.com>, the Office of the Secretary, the Amex, and at the Commission's Public Reference Room.

<sup>12</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

Effective with transactions beginning October 3, 2005, the Exchange increased the Specialist Transaction Fee from \$.00005 to \$.00007 of the total value of a specialist's transactions in equities.<sup>5</sup> After further consideration, analysis of the impact of the fee increase and discussions with its members, the Exchange proposes to rollback the increase in the Specialist Transaction Fee to \$.00005. The increase in the Specialist Transaction Fee implemented in October 2005 was part of a number of changes to the Equity Fee Schedule, the purpose of which was to generate additional revenue for the Exchange and to create additional incentives for market participants to send order flow to the Amex. For market participants other than the specialists, the changes in the aggregate contributed to the increase in revenue for the Exchange. The changes to fees imposed on the specialists, which also generated an increase in revenue, included an increase in the Specialist Transaction Fee and the elimination of a rarely used exemption from the Transaction Fee for trades in paired securities.

According to the Exchange, the Specialist Transaction Fee is based on the dollar value of equity shares executed by the specialist. As a result, specialists trading high-priced and/or high volume securities account for a disproportionate amount of the revenue generated by the fee. The recent increase in the fee exacerbated this result. Rolling back the increase will alleviate, in part, this disproportionate impact on certain specialists. The rollback of the increase in the Specialist Transaction Fee will result in a decrease in the

additional revenues expected to be generated by the recent changes to the Equity Fee Schedule. The Exchange represents that this decrease will not result in an increase or other revisions to fees charged to other market participants.

Notwithstanding the proposed reduction in the Specialist Transaction Fee,<sup>6</sup> the Exchange believes that the recent changes to the Equity Fee Schedule continue to be an equitable allocation of reasonable fees among its members, issuers and other users of its facilities.

In a separate filing, submitted pursuant to section 19(b)(2) of the Act,<sup>7</sup> the Exchange is also requesting approval to rebate the amount of increase in the Specialist Transaction Fee collected since October 3, 2005.<sup>8</sup>

#### 2. Statutory Basis

The Amex believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>9</sup> in general, and furthers the objectives of section 6(b)(4) of the Act,<sup>10</sup> in particular, in that it is designed to assure the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities. Specifically, the Exchange is proposing to eliminate a recent fee increase that it believes disproportionately impacts some members.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

<sup>5</sup> Amex clarified that although it refers in this sentence to the proposed rollback of the Specialist Transaction Fee from \$.00007 to \$.00005 as a "rebate," it is more accurately characterized here as a "reduction" in the Specialist Transaction Fee. Telephone conversation between Claire McGrath, Senior Vice President and General Counsel, Amex, and Johnna B. Dunler, Attorney, Division of Market Regulation, Commission, on February 6, 2006.

<sup>7</sup> 15 U.S.C. 78s(b).

<sup>8</sup> See SR-Amex-2005-130.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(4).

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act<sup>11</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>12</sup> since it establishes or changes a due, fee or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Amex-2006-008 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington DC 20549-1090.

All submissions should refer to File Number SR-Amex-2006-008. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> See Securities Exchange Act Release No. 52701 (October 28, 2005), 70 FR 67504 (November 7, 2005) (notice of filing and immediate effectiveness of SR-Amex 2005-101).

Section. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-Amex-2006-008 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-1843 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53222; File No. SR-CBOE-2005-60]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Granting Approval of Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change Relating to an Automated Improvement Mechanism

February 3, 2006.

#### I. Introduction

On August 5, 2005, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to adopt an electronic price improvement mechanism. On September 2, 2005, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The proposed rule change, as amended, was published for comment in the *Federal Register* on October 18, 2005.<sup>4</sup> On October 12, 2005, the Exchange filed Amendment No. 2 to the proposed rule change.<sup>5</sup> The

Commission received two comment letters with respect to the amended proposal,<sup>6</sup> and on December 2, 2005, the Exchange filed its response to the comment letters.<sup>7</sup> This order approves the proposed rule change as amended by Amendment No. 1, notices and solicits comments on Amendment No. 2, and grants accelerated approval to Amendment No. 2.

#### II. Description of the Proposal

The Exchange proposes to establish an electronic auction system (Automated Improvement Mechanism or "AIM"), which would expose certain orders electronically in an auction to provide such orders with the opportunity to receive an execution at an improved price.

The AIM auction is available only for orders that an Exchange member represents as an agent ("Agency Order"). To initiate the electronic auction, the Exchange member ("Initiating Member") who represents an Agency Order would submit the Agency Order and a second order for the same size as the Agency Order (on the opposite side of the Agency Order) into the auction. If the Agency Order is for less than 50 contracts, the Initiating Member must stop the entire Agency Order as principal or with a solicited order at the better of (A) the national best bid or offer ("NBBO") price improved by one minimum price improvement increment, which increment shall be determined by the Exchange but may not be smaller than one cent or (B) the Agency Order's limit price (if the Agency Order is a limit order). If the Agency Order is for 50 contracts or more, the Initiating Member must stop the entire Agency Order as principal or with a solicited order at the better of the NBBO or the Agency Order's limit price (if the Agency Order is a limit order). Thereafter, other

also would amend proposed CBOE Rule 6.74A.06, with respect to information that the Exchange may provide to the Commission regarding a pilot program that would end on July 18, 2006.

<sup>1</sup> See letters to Jonathan G. Katz, Secretary, Commission, from Matthew B. Hinerfeld, Managing Director & Deputy General Counsel, Citadel Investment Group, LLC on behalf of Citadel Derivatives Group LLC ("Citadel"), dated November 8, 2005 ("Citadel Letter") and from Annah Y. Kim, Chief Regulatory Officer, Boston Options Exchange Regulation ("BOX"), dated November 10, 2005 ("BOX Letter"). Citadel also commented on the American Stock Exchange LLC's ("Amex") proposal to implement the Amex New Trading Environment Price Improvement Auction ("PIA") (File No. SR-Amex-2004-107). This Order and Notice does not address the Amex proposal. A discussion of the comment letters is provided in section III below.

<sup>2</sup> See letter from Angelo Evangelou, Managing Senior Attorney, Legal Division, CBOE, to Jonathan G. Katz, Secretary, Commission, dated December 2, 2005 ("Response Letter").

Exchange participants would compete with the Initiating Member's second order to execute against the Agency Order. The second order submitted by the Initiating Member could be an order for the principal account of the Initiating Member ("principal order") or an order solicited by the Initiating Member to trade with another member or a non-member customer or broker-dealer ("solicited order").<sup>8</sup> Under the proposal, the Initiating Member may enter the second order in one of two formats: (1) At a specified single price or (2) with a non-price specific commitment to match as principal the price and size of all auction responses ("Auto-Match"). If the Initiating Member enters the second order with Auto-Match, then the Initiating Member would not have control over the prices at which it receives an allocation at the conclusion of the auction. After the commencement of an auction, the Initiating Member would not be able to cancel the auction.

Upon receipt of an Agency Order and the second order, the Exchange would commence the auction by issuing a request for responses ("RFR") detailing the side and size of the Agency Order.<sup>9</sup> The auction would last for a random time period, from 3 seconds to 5 seconds, determined by the Exchange's system. During such time period, any Exchange market maker with an appointment in the options class may submit RFR responses (including multiple responses). In addition, any Exchange member acting as an agent for customer orders resting at the top of the Exchange's book opposite the Agency Order, may submit RFR responses on behalf of such customer orders (such RFR responses may not exceed the size of the customer orders).<sup>10</sup> The RFR responses must specify price and size, and may not cross the Exchange's quote on the opposite side of the market as the Agency Order. All RFR responses would be "blind," i.e., the RFR responses would not be visible to any other participants in the auction. Under the proposal, market makers may modify or cancel RFR responses prior to the conclusion of the auction. The Exchange may set the RFR response minimum price increment at no less than one cent.

Normally, the auction would end at the conclusion of the random 3 seconds

<sup>8</sup> See CBOE Rule 6.9 for a definition of solicited order.

<sup>9</sup> The Exchange would send each RFR to all members electing to receive RFRs (i.e., those members who have established the necessary systems connectivity to receive RFRs). Thus, an Exchange member's election to receive RFRs would not be on an auction-by-auction basis.

<sup>10</sup> See Amendment No. 2, *supra* note 5.

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Amendment No. 1 superseded and replaced the proposed rule filing in its entirety.

<sup>4</sup> See Securities Exchange Act Release No. 52577 (October 7, 2005), 70 FR 60586.

<sup>5</sup> In Amendment No. 2, the CBOE proposes to amend proposed CBOE Rule 6.74A(b)(1)(E) so that members, not floor brokers, may submit RFR responses on behalf of customer orders resting at the top of the Exchange book. Amendment No. 2

to 5 seconds time period. However, under the proposal, the following events could prematurely end the auction: (1) If the Exchange Hybrid System receives an unrelated order in the same series as the Agency Order and such unrelated order is marketable against the Exchange's disseminated quote (when the quote is the NBBO) or the RFR responses; (2) if the Exchange Hybrid System receives an unrelated non-marketable limit order in the same series and on the opposite side of the market as the Agency Order that improves any RFR response; (3) any time an RFR response matches the Exchange's disseminated quote on the opposite side of the market; or (4) pursuant to a pilot program that would expire on July 18, 2006, any time there is a market maker to market maker quote lock on the Exchange in accordance with CBOE Rule 6.45A(d).<sup>11</sup>

At the conclusion of the auction, the Agency Order would be allocated in accordance with applicable matching algorithm rules in effect for such option class subject to the following provisions. First, no participation entitlement would apply with respect to an AIM execution. Second, public customer orders in the Exchange book would have priority. Third, if the Exchange received an unrelated market order or marketable limit order on the opposite side of the Agency Order which prematurely ended the auction, such unrelated order would trade against the Agency Order at the midpoint of the best RFR response and the NBBO on the other side of the market (rounded towards the disseminated quote when necessary).<sup>12</sup> Fourth, if the Exchange received an unrelated non-marketable limit order on the opposite side of the Agency Order which prematurely ended the auction, such unrelated limit order would trade against the Agency Order at the midpoint of the best RFR response and the unrelated order's limit price (rounded towards the unrelated order's limit price when necessary).<sup>13</sup> Fifth, if

the best price equals the Initiating Member's single-price submission, the Initiating Member's single-price submission would be allocated the greater of one contract or 40% of the order. However, if only one market maker matches the Initiating Member's single price submission, then the Initiating Member would be allocated 50% of the order. Sixth, if the Initiating Member selected Auto-Match for the second order, then the Initiating Member would be allocated its full size at each price point until a price point is reached where the balance of the order can be fully executed. At such price point, the Initiating Member would be allocated the greater of one contract or 40% of the remainder of the order. Seventh, if the auction does not result in price improvement over the Exchange's disseminated price at the commencement of the auction, resting unchanged quotes or orders that were disseminated at the best price before the auction started would have priority, after any public customer order priority and the Initiating Member's priority (40%) have been satisfied. Any unexecuted balance on the Agency Order would be allocated to RFR responses pursuant to the matching algorithm except that the RFR responses would be capped to the size of the unexecuted balance and the Initiating Member may not participate on any such balance unless the Agency Order would otherwise go unfilled. Finally, if the final auction price locks a customer order on the book on the same side as the Agency Order, then unless there is sufficient size in the RFR responses to execute both the Agency Order and the booked customer order (in which case they would both execute at the final auction price), the Agency Order would execute against the RFR responses at one minimum RFR response increment worse than the final Auction price against the auction participants that submitted the final auction price, and any balance would trade against the customer order in the book at such order's limit price.

If an unexecuted balance remains on the RFR responses after the Agency Order has been executed and such balance could trade against any unrelated order(s) that caused the auction to conclude, then the RFR response balance would trade against the unrelated order(s).

The CBOE proposes several interpretations and policies to proposed CBOE Rule 6.74A. First, an Initiating

execute against the Agency Order at 1.11 (the midpoint of the best RFRs (1.12) and the unrelated order's limit price (1.10)).

Member would be permitted to use the auction only when there is a genuine intention to execute a bona fide transaction. Second, a pattern or practice of submitting unrelated orders that cause an auction to prematurely conclude would be deemed conduct inconsistent with just and equitable principles of trade and a violation of CBOE Rule 4.1 and other Exchange Rules. Third, initially, and during a Pilot Period, which would end on July 18, 2006, there would be no minimum size requirement for orders to be eligible for the auction. During this Pilot Period, the Exchange would submit on a confidential basis certain data, periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the auction mechanism. Fourth, any solicited orders submitted by the Initiating Member to trade against the Agency Order would not be permitted to be for the account of a market maker assigned to the option class. Fifth, the Exchange would communicate any Exchange determinations pursuant to the proposed rule such as eligible classes, order size parameters, and the minimum price increment for RFR responses, in a Regulatory Circular. Finally, proposed CBOE Rule 6.74A(b)(2)(E), which would end the auction due to a lock on the CBOE market, would operate as a pilot program until July 18, 2006.

### III. Discussion and Commission Findings

After careful review of the amended proposal and consideration of the comment letters and the Response Letter, the Commission finds that the proposed rule change, as amended, to establish rules for the implementation of the AIM auction, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>14</sup> and, in particular, the requirements of section 6 of the Act.<sup>15</sup> Specifically, as discussed in detail below, the Commission finds that the proposal is consistent with section 6(b)(5) of the Act,<sup>16</sup> which requires, in part, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation

<sup>11</sup> In connection with this pilot program, pursuant to proposed CBOE Rule 6.74A.06, the Exchange would provide the Commission data (on a confidential basis) regarding the frequency of early terminations of the auction, and also the frequency of early terminations pursuant to this provision that result in favorable pricing for the Agency Order. See Amendment No. 2, *supra* note 5.

<sup>12</sup> For example, if an auction is underway for an Agency Order to buy and the CBOE quote (as well as the NBBO) is 1-1.15, with the RFRs at 1.12 and an unrelated market order to sell is received by the Exchange, the unrelated order would execute against the Agency Order at 1.06 (the midpoint of the best RFRs and the NBBO on the other side of the market, *i.e.*, the best bid).

<sup>13</sup> For example, using the same scenario as above except the unrelated order is a non-marketable limit order to sell at 1.10, the unrelated order would

<sup>14</sup> In approving this proposal, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>15</sup> 15 U.S.C. 78f.

<sup>16</sup> 15 U.S.C. 78f(b)(5).



and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Section 6(b)(5) of the Act<sup>17</sup> also requires that the rules of an exchange not be designed to permit unfair discrimination among customers, issuers, brokers, or dealers.

The Commission believes that approving the Exchange's proposal to establish the AIM should confer benefits to the public by increasing competition between and among the options exchanges, resulting in better prices and executions for investors. The Commission also believes that access to the AIM auction for those who may wish to compete for an Agency Order should be sufficient to provide opportunities for a meaningful, competitive auction. The Commission therefore finds that for the reasons discussed below, the Exchange's proposal is consistent with the Act.

#### A. Internalization

In its comment letter, Citadel asks the Commission to reject the proposal because the AIM auction and other similar auctions encourage internalization, which Citadel believes would hinder price discovery and harm investors with worse prices.<sup>18</sup> Citadel states that these auctions harm the options markets and investors by hindering price discovery, discouraging aggressive quoting, eliminating substantial price improvement by diminishing the ability of customers to interact with one another; and undercutting customer limit orders.<sup>19</sup> Therefore, Citadel urges the Commission to reevaluate the auctions currently in operation<sup>20</sup> and determine whether such auctions should operate.<sup>21</sup>

In the Response Letter, the Exchange states that it should be allowed to adopt the AIM auction for competitive

reasons, since other options exchanges have similar auctions, and if the Commission were to take any actions with respect to these auctions, such actions should affect the options exchanges equally at the same time.<sup>22</sup>

After considering the Citadel Letter and the Response Letter, the Commission believes that the Citadel Letter does not raise any novel regulatory concerns that would preclude the approval of the proposed rule change. The Commission believes that the proposed CBOE AIM auction provides limitations on internalization comparable to the other exchanges' rules that guarantee members the right to internalize their customers' orders. Specifically, like the auction rules previously approved by the Commission, the proposed AIM rules require the Initiating Member to expose the Agency Order in the auction before the Initiating Member may trade with the Agency Order.

#### B. Solicitation Process

Proposed CBOE Rule 6.74A permits a member that represents an Agency Order to execute that Agency Order in the AIM auction against principal interest or against a solicited order. BOX argues that the proposal should define how the Initiating Member solicits the other side of the Agency Order. BOX contends that the proposed rules need to clarify the parameters for a market maker and the Initiating Member's ability to access customer information that may be derived from solicited orders and agency orders. BOX notes that the Commission required BOX to codify procedural protections on BOX's Directed Order process (which it termed its version of a solicitation process), and BOX believes that it would be placed at a competitive advantage if the Commission does not require CBOE to adopt similar procedural protections. Finally, BOX notes that brokers in the options industry generally limit solicitation of large customer orders (e.g., greater than 300 contracts). BOX believes that the Exchange should clarify why the proposal would permit solicitation of orders of all sizes, particularly for orders of less than 50 contracts.<sup>23</sup>

In the Response Letter, the Exchange notes that solicited orders are processed on the floor of all floor-based options exchanges. The Exchange contends that ISE's PIM is identical to the proposed rule change in that the PIM auction rules allow the initiating member to pair the agency order with a facilitation

order or a solicitation order. Further, CBOE notes that ISE's rules do not contain elaborate procedures regarding the solicitation process. The Exchange further notes that unlike the BOX Directed Order process, the AIM proposal provides that solicited orders submitted by the Initiating Member may not be for the account of a market maker assigned to the option class. Thus, the CBOE contends that any comparison between the AIM auction and BOX's Directed Order process is not relevant. Finally, with respect to the size of a solicited order, the Exchange believes that unless other options exchanges adopt size limits, it would be inappropriate for the Commission to require that the CBOE impose such size limitations on solicited orders for the AIM auction.<sup>24</sup>

The Commission believes that the proposal regarding solicitation process is sufficiently clear. The Commission notes that CBOE Rule 6.9 limits solicitation from members or non-member customers or broker-dealers.<sup>25</sup> In addition, CBOE Rule 4.1 prohibits members from engaging in acts or practices inconsistent with just and equitable principles of trade.<sup>26</sup> The Commission further notes that CBOE has proposed an additional limitation in CBOE Rule 6.74A.04 that would require that any solicited orders submitted by the Initiating Member to trade against the Agency Order not be for the account of a Market-Maker assigned to the option class. The Commission believes that these provisions should permit members to solicit, in advance, the other side of an order, while providing for adequate disclosure of such orders to limit manipulation and abuse.

#### C. Competition in the AIM

Proposed CBOE Rule 6.74A(a)(4) would require that there be at least three Market Makers quoting in a relevant series at the time an Initiating Member submits its Agency Order into the AIM.<sup>27</sup> The Commission believes that this requirement should improve the opportunity for an Agency Order to be exposed to a competitive auction.<sup>28</sup>

BOX questions how public customers may participate in the RFR.<sup>29</sup> The Exchange proposes to clarify in Amendment No. 2 that members acting as agent for orders resting at the top of the Exchange's book opposite the Agency Order may submit responses to

<sup>17</sup> *Id.*

<sup>18</sup> See Citadel Letter, *supra* note 6, at p. 1.

<sup>19</sup> *Id.* at pp. 3-4.

<sup>20</sup> *Id.* at p. 6. The Boston Options Exchange ("BOX"), a trading facility of the Boston Stock Exchange, Incorporated ("BSE"), operates an auction known as the PIP, see Securities Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004) (Order approving SR-BSE-2002-15 to establish trading rules for the BOX facility ("BOX Order")), and the International Securities Exchange, Inc. ("ISE") operates an auction known as the PIM, see Securities Exchange Act Release No. 50819 (December 8, 2004), 69 FR 75093 (December 15, 2004) (Order approving SR-ISE-2003-06 to adopt rules for the PIM).

<sup>21</sup> See Citadel Letter, *supra* note 6, at p. 1.

<sup>22</sup> See Response Letter, *supra* note 7, at pp. 1-2.

<sup>23</sup> See BOX Letter, *supra* note 6, at pp. 4-5.

<sup>24</sup> See Response Letter, *supra* note 7, at pp. 4-5.

<sup>25</sup> CBOE Rule 6.9.

<sup>26</sup> CBOE Rule 4.1.

<sup>27</sup> See also ISE Rule 723(b)(1) and BOX Rules Chapter V, Sec. 18(e).

<sup>28</sup> See BOX Order, *supra* note 20.

<sup>29</sup> See BOX Letter, *supra* note 6, at p. 5.

the RFR on behalf of such orders.<sup>30</sup> In its Response Letter, the Exchange further explains that at the time customer orders are submitted to the member representing such orders, the member and the customer would discuss price improvement parameters, and the CBOE member representing customer orders would actually represent those customer orders during an AIM auction.<sup>31</sup> Based on the Exchange's representations, the Commission believes that public customer access to the AIM auction should be comparable to customers' access to open outcry auctions on the current floor-based exchanges.

#### D. Duration of the AIM

The CBOE proposes that the duration of each RFR period be for a random time period determined by the system that would not be less than 3 seconds and would not exceed 5 seconds.<sup>32</sup> The Commission believes that a RFR period between 3 and 5 seconds randomly determined by the Exchange's system should afford electronic crowds sufficient time to respond to, and compete for, Agency Orders submitted by an Initiating Member. The Commission expects that electronic systems should be readily available to CBOE members to allow them to respond to the RFR broadcasts.

#### E. Termination of Auction by Unrelated Orders

As proposed, the AIM would end prematurely under certain circumstances:<sup>33</sup> (1) If the Exchange Hybrid System receives an unrelated order in the same series as the Agency Order and such unrelated order is marketable against the Exchange's disseminated quote (when the quote is the NBBO) or the RFR responses; (2) if the Exchange Hybrid System receives an unrelated non-marketable limit order in the same series as the Agency Order and on the opposite side of the market as the Agency Order that improves any RFR response; (3) any time an RFR response matches the Exchange's disseminated quote on the opposite side of the market; or (4) pursuant to a pilot program that would expire on July 18, 2006, any time there is a market maker to market maker quote lock on the

Exchange in accordance with CBOE Rule 6.45A(d).

BOX argues that the termination of the auction by an unrelated non-marketable limit order in the same series as the Agency Order and on the opposite side of the market could expose the AIM auction to manipulation. BOX believes the proposal is unclear as to why such orders should terminate the auction, unless they are for the full size of the Agency Order; BOX notes that other similar auction systems, such as the systems of BOX and ISE, treat such orders as price improvement orders and argues that categorizing such orders as price improvement orders would increase the number of RFR responses and maximize price improvement potential in the AIM auction.<sup>34</sup>

In the Response Letter, the Exchange asserts that both the unrelated non-marketable limit order and the Agency Order should be provided with price improvement (rather than the Agency Order only as provided in the BOX PIP and ISE PIM). The Exchange agreed with BOX that early termination of the auction for the purpose of manipulating the market would be inappropriate, and noted that according to proposed CBOE Rule 6.74.02, a pattern of submitting unrelated orders to end the auction prematurely would be a violation of Exchange rules and would be deemed conduct inconsistent with just and equitable principles of trade.<sup>35</sup>

The Commission believes that the treatment of unrelated non-marketable orders on the opposite side of the Agency Order is consistent with the requirements of the Act. The Exchange's proposal provides that the unrelated order and the Agency Order would receive price improvement, and the Commission believes that allowing both orders to be eligible for price improvement should benefit investors and customers. In addition, the Exchange's proposed interpretation would prohibit Exchange members from deliberately submitting orders to end the AIM auction prematurely. The Commission, however, expects the Exchange to analyze the impact of unrelated orders on the AIM auction to ensure that Agency Orders are not being deprived of a full opportunity for price improvement by the premature conclusion of an AIM auction.

#### F. Allocation at the Conclusion of the Auction

##### 1. Order Matching Allocation Algorithms

At the conclusion of the auction, the Agency Order would be allocated in accordance with applicable matching algorithm rules in effect for such class subject to certain conditions.<sup>36</sup> BOX notes that proposed CBOE Rule 6.74A(b)(3) does not specify the matching algorithm as to how orders will be allocated,<sup>37</sup> and in its Response Letter, the Exchange has clarified that the matching algorithms are defined in CBOE Rule 6.45A for equity options and CBOE Rule 6.45B for index options.<sup>38</sup> The Commission believes that the matching algorithm set forth in these rules is sufficiently clear regarding how orders are to be allocated in the AIM auction.

##### 2. Auto-Match

To initiate the electronic auction, the Initiating Member who represents an Agency Order would submit the Agency Order and also either specify a single-price submission to cross the Agency Order or indicate that it is willing to automatically match as principal the price and size of all auction responses ("Auto-Match"). If the Initiating Member uses the Auto-Match feature, the Initiating Member would not have control over the prices at which it receives an allocation of the Agency Order at the conclusion of the auction.

BOX, in its comment letter, argues that the Auto-Match feature of the AIM auction provides unfair competitive advantages to the Initiating Member. BOX contends that since the Exchange system governs the Auto-Match feature, it is likely to confer upon the Initiating Member a technological advantage in the sense that the Initiating Member would have the fastest response time to any competing RFR responses. BOX further contends that the proposal appears to provide the Initiating Member with an automatic "last look" at the best priced RFR response, thereby guaranteeing the Initiating Member an allocation in any auction. BOX also notes that RFR responses would not be visible to other AIM auction participants and believes that as a result, Exchange members would not

<sup>30</sup> See Amendment No. 2, *supra* note 5.

<sup>31</sup> See Response Letter, *supra* note 7, at p. 5.

<sup>32</sup> The AIM would end prior to the expiration of the RFR period under certain circumstances. See proposed CBOE Rule 6.74A(b)(2) and discussion in text accompanying notes 33-35.

<sup>33</sup> With respect to the same series, no AIM auction will run simultaneously with another AIM auction, nor will AIM auctions be permitted to queue or overlap in any manner. See proposed CBOE Rule 6.74A(b).

<sup>34</sup> See BOX Letter, *supra* note 6, at p. 3.

<sup>35</sup> See Response Letter, *supra* note 7, pp. 3-4.

<sup>36</sup> See proposed CBOE Rule 6.74A(b)(3). The Commission notes that to be consistent with the requirements of section 11(a) of the Exchange Act, 15 U.S.C. 78k(a), and Rule 11a1-1(T) under the Act, 17 CFR 240.11a1-1(T), Exchange Members must yield priority in the AIM auction to all non-Member orders, unless another exception to Section 11(a) applies.

<sup>37</sup> See BOX Letter, *supra* note 6, at p. 4.

<sup>38</sup> See Response Letter, *supra* note 7, at pp. 3-4.

have sufficient information to make a fully informed decision to compete for the Agency Order. Finally, BOX believes the ability of the Initiating Member to use Auto-Match would provide the Initiating Member an unfair advantage over customer orders and thus raise customer priority concerns.<sup>39</sup>

In its Response Letter, the Exchange states that a blind auction is a key component to AIM and that a blind auction would encourage participants to quote their best prices. The Exchange believes that in a blind auction, there is greater incentive for participants to submit their best prices at the outset, whereas in a non-blind auction, participants would need to submit only the minimal amount of improvement. Because AIM is a blind auction, the Exchange adds, it sought to propose a means by which the Initiating Member could still receive a guaranteed participation, *i.e.*, Auto-Match, similar to other mini-auctions, like BOX's PIP. CBOE notes that since PIP is not a blind auction, the initiating member could always configure its system to match the best response. Further, CBOE points out that under the terms of its proposal, when the Initiating Member selects Auto-Match prior to the start of the auction, the available liquidity would be doubled and pricing would be completely out of the Initiating Member's control. Finally, the Exchange states that BOX's argument that Auto-Match would provide the Initiating Member with some sort of technological advantage (in the form of faster response time) over other participants is misleading. The CBOE notes that once Auto-Match is selected (before the auction), the Initiating Member does not respond at all, but instead must honor the prices set forth in the responses received from other participants.<sup>40</sup>

The Commission believes that the Auto-Match feature of the AIM auction would not unfairly discriminate against other AIM participants. The Commission disagrees that a blind auction would necessarily deprive auction participants with information necessary to submit RFR responses. When the AIM system receives an Agency Order, the Exchange would submit a RFR to all participating members detailing the side and size of the Agency Order. RFR responses would not be visible to any of the auction participants, including the Initiating Member.

Finally, the Commission believes that an Initiating Member's use of Auto-Match would not have customer priority

issues, since the proposal provides that public customer orders in the book must have priority.<sup>41</sup> At the same time, because the Auto-Match feature is offered only to the Initiating Member and would provide the Initiating Member with a guaranteed participation, the Commission believes it is essential that the Exchange provide data on the frequency of use of Auto-Match and its effect on price improvement to permit the Commission to monitor the impact of the proposed rule change on the competitive process.<sup>42</sup>

#### G. Price Improvement versus Facilitation

As discussed above, an Initiating Member who submits an Agency Order into the AIM auction must "stop" the Agency Order as follows: (1) If the Agency Order is for less than 50 contracts, the Initiating Member must stop the entire Agency Order as principal or with a solicited order at the better of (A) the NBBO price improved by one minimum price improvement increment, which increment shall be determined by the Exchange but may not be smaller than one cent or (B) the Agency Order's limit price (if the Agency Order is a limit order); or (2) if the Agency Order is for 50 contracts or more, the Initiating Member must stop the entire Agency Order as principal or with a solicited order at the better of the NBBO or the Agency Order's limit price (if the Agency Order is a limit order).<sup>43</sup>

BOX argues that the AIM rules should provide a minimum price improvement over the NBBO for orders of 50 contracts or greater. BOX noted that other auction systems such as ISE's PIM and BOX's PIP initiate auctions for such orders with a required price improvement of at least one cent better than the NBBO.<sup>44</sup> In response, the Exchange, however, points out that all of the options exchanges, other than BOX, allow guaranteed facilitation participation at the NBBO for orders of 50 contracts or greater.<sup>45</sup>

The Commission believes that stopping an Agency Order of 50 contracts or greater at the better of the NBBO or the Agency Order's limit price is consistent with the requirements of the Act. The Commission notes that it has approved rules of other options exchanges that permit facilitation at the NBBO for orders of 50 contracts or

greater.<sup>46</sup> The Commission further notes that unlike the facilitation mechanisms of some exchanges, once the Initiating Member has submitted an Agency Order and designated a single-price submission or auto-match into the AIM auction, it may not be modified or cancelled. Therefore, the Agency Order submitted to the AIM auction is guaranteed an execution price of at least the NBBO and, moreover, is given the opportunity for price improvement beyond the NBBO.

#### H. No Minimum Size Requirement for AIM

Like the BOX's PIP auction and the ISE's PIM auction, the AIM auction would be available for orders of fewer than 50 contracts. Under the Exchange's proposal, there would be no minimum size requirement for orders entered into the AIM, for a pilot period expiring on July 18, 2006.<sup>47</sup>

The Commission believes that the Exchange's proposal should provide small customer orders with the opportunity for price improvement, and is consistent with the Act. In particular, any Agency Order for less than 50 contracts that is entered into the AIM is guaranteed an execution at the end of the auction at a price at least a penny better than the NBBO. The Commission will evaluate the AIM auction during the Pilot Period to determine whether it would be beneficial to customers and to the options market as a whole to approve any proposal requesting permanent approval to permit orders of fewer than 50 contracts to be submitted to the AIM auction. In addition, the Commission will examine the data submitted by the Exchange with respect to situations in which the AIM auction is terminated prematurely by an unrelated order. To aid the Commission in its evaluation, the CBOE represents that it will provide the following information each month:

- (1) The number of orders of fewer than 50 contracts entered into the AIM auction;
- (2) The percentage of all orders of fewer than 50 contracts sent to CBOE that are entered into CBOE's AIM auction;
- (3) The percentage of all CBOE trades represented by orders of fewer than 50 contracts;
- (4) The percentage of all CBOE trades effected through the AIM auction

<sup>46</sup> See *e.g.*, Rule 6.47(b)(4) of the Pacific Exchange, Inc., ISE Rule 716(d).

<sup>47</sup> The July 18, 2006 pilot expiration date corresponds to the expiration of a similar pilot program for the BOX's PIP, and ISE's PIM. See BOX Rules, Chapter V, Sec. 18, Supplementary Material .01, and ISE Rule 723, Supplementary Material .03.

<sup>41</sup> See proposed CBOE rule 6.74A(b)(3)(B).

<sup>42</sup> See Section II.G.

<sup>43</sup> See proposed CBOE Rule 6.74A(a)(2) and (3).

<sup>44</sup> See BOX Letter, *supra* note 3.

<sup>45</sup> See Response Letter, *supra* note 7, at p. 4.

<sup>39</sup> See BOX Letter, *supra* note 6, at pp. 2, 5.

<sup>40</sup> See Response Letter, *supra* note 7, at pp. 2-3.

represented by orders of fewer than 50 contracts;

(5) The percentage of all contracts traded on CBOE represented by orders of fewer than 50 contracts;

(6) The percentage of all contracts effected through the AIM auction represented by orders of fewer than 50 contracts;

(7) The spread in the option, at the time an order of fewer than 50 contracts is submitted to the AIM auction;

(8) The number of orders of 50 contracts or greater entered into the AIM auction;

(9) The percentage of all orders of 50 contracts or greater sent to CBOE that are entered into CBOE's AIM auction;

(10) The spread in the option, at the time an order of 50 contracts or greater is submitted to the AIM auction;

(11) Of AIM trades for orders of fewer than 50 contracts, the percentage done at the NBBO plus \$.01, plus \$.02, plus \$.03, etc.;

(12) Of AIM trades for orders of 50 contracts or greater, the percentage done at the NBBO plus \$.01, plus \$.02, plus \$.03, etc.;

(13) The number of orders submitted by Exchange members when the spread was \$.05, \$.10, \$.15, etc. For each spread, specify the percentage of contracts in orders of fewer than 50 contracts submitted to CBOE's AIM that were traded by: (a) the Exchange member that submitted the order to the AIM; (b) CBOE Market Makers assigned to the class; (c) other CBOE members; (d) Public Customer Orders; and (e) unrelated orders (orders in standard increments entered during the AIM auction). For each spread, also specify the percentage of contracts in orders of 50 contracts or greater submitted to CBOE's AIM that were traded by: (a) the Exchange member that submitted the order to the AIM; (b) CBOE Market Makers assigned to the class; (c) other CBOE members; (d) Public Customer Orders; and (e) unrelated orders (orders in standard increments entered during the AIM auction);

(14) The number of times that a market or marketable limit order in the same series on the same side of the market as the Agency Order prematurely ended the AIM auction, and the number of times such orders were entered by the same (or affiliated) firm that initiated the AIM auction that was terminated;

(15) The percentage of AIM early terminations due to the receipt of a market or marketable limit order in the same series on the same side of the market that occurred within a 1/2 second of the start of the AIM auction; the percentage that occurred within one second of the start of the AIM auction;

the percentage that occurred within 1 1/2 seconds of the start of the AIM auction; the percentage that occurred within 2 seconds of the start of the AIM auction; the percentage that occurred within 2 1/2 seconds of the AIM auction; and the average amount of price improvement provided to the Agency Order where the AIM auction is terminated early at each of these time periods;

(16) The number of times that a market or marketable limit order in the same series on the opposite side of the market as the Agency Order prematurely ended the AIM auction and at what time the unrelated order ended the AIM auction, and the number of times such orders were entered by the same (or affiliated) firm that initiated the AIM auction that was terminated;

(17) The percentage of AIM auction early terminations due to the receipt of a market or marketable limit order in the same series on the opposite side of the market that occurred within a 1/2 second of the start of the AIM auction; the percentage that occurred within one second of the start of the AIM auction; the percentage that occurred within 1 1/2 seconds of the start of the AIM auction; the percentage that occurred within 2 seconds of the start of the AIM auction; the percentage that occurred within 2 1/2 seconds of the AIM auction; and the average amount of price improvement provided to the Agency Order where the AIM auction is terminated early at each of these time periods;

(18) The number of times that an RFR response matching the Exchange's disseminated quote on the opposite side of the market from the RFR responses prematurely ended the AIM auction and at what time the RFR response ended the AIM auction, and the number of times such orders were entered by the same (or affiliated) firm that initiated the AIM auction that was terminated;

(19) The percentage of AIM auction early terminations due to the receipt of an RFR response matching the Exchange's disseminated quote on the opposite side of the market from the RFR responses that occurred within a 1/2 second of the start of the AIM auction; the percentage that occurred within one second of the start of the AIM auction; the percentage that occurred within 1 1/2 seconds of the start of the AIM auction; the percentage that occurred within 2 seconds of the start of the AIM auction; the percentage that occurred within 2 1/2 seconds of the AIM auction; and the average amount of price improvement provided to the Agency Order where the AIM auction is terminated early at each of these time periods;

(20) The number of times that a quote lock on the Exchange pursuant to CBOE

Rule 6.45A(d) prematurely ended the AIM auction and at what time the quote lock ended the AIM auction, and the number of times such orders were entered by the same (or affiliated) firm that initiated the AIM that was terminated;

(21) With respect to a quote lock on the Exchange pursuant to CBOE Rule 6.45A(d) that has occurred with an Agency Order to buy, the number of times that the quote was locked at the existing best bid and the number of times that the quote was locked at the existing best offer, and the firm that caused the quote lock;

(22) With respect to a quote lock on the Exchange pursuant to CBOE Rule 6.45A(d) that has occurred with an Agency Order to sell, the number of times that the quote was locked at the existing best bid and the number of times that the quote was locked at the existing best offer, and the firm that caused the quote lock;

(23) The frequency with which early termination due to a quote lock on the Exchange pursuant to CBOE Rule 6.45A(d) results in price improvement for the Agency Order; and the average amount of price improvement provided to the Agency Order;

(24) The average amount of price improvement provided to the Agency Order when the AIM auction is not terminated early (*i.e.*, runs the full three seconds); and

(25) The percentage of all CBOE trades effected through the AIM auction in which the Initiating Member has chosen the Auto-Match feature, and the average amount of price improvement provided to the Agency Order when the Initiating Member has chosen the Auto-Match feature vs. the average amount of price improvement provided to the Agency Order when the Initiating Member has chosen a single-price submission.

#### IV. Solicitation of Comments on Amendment No. 2

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2, including whether Amendment No. 2 is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2005-60 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2005-60. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CBOE-2005-60 and should be submitted on or before March 3, 2006.

### V. Accelerated Approval of Amendment No. 2

The Commission finds good cause to approve Amendment No. 2 to the proposed rule change prior to the thirtieth day after the amendment is published for comment in the **Federal Register** pursuant to section 19(b)(2) of the Act.<sup>48</sup> The revisions made to the proposed rule change, as amended, in Amendment No. 2 clarified that Exchange members, when acting as agent for orders resting at the top of the Exchange's book on the other side of the Agency Order, may submit RFR responses on behalf of such orders. In addition, Amendment No. 2 clarified that the Exchange would submit certain data, as required by the Commission, during the Pilot Period and information submitted by the Exchange to the Commission would be on a confidential basis.

<sup>48</sup> 15 U.S.C. 78s(b)(2).

The Commission believes that the proposed changes in Amendment No. 2 are necessary to the proper functioning and implementation of AIM. The Commission believes that the proposed changes in Amendment No. 2 provide a clearer understanding of the operation of AIM and the Pilot Period and raise no new issues of regulatory concern. For these reasons, the Commission believes that accelerated approval of Amendment No. 2 is appropriate. Accordingly, pursuant to section 19(b)(2) of the Act,<sup>49</sup> the Commission finds good cause exists to approve Amendment No. 2 prior to the 30th day after notice of the Amendment is published in the **Federal Register**.

### VI. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with section 6(b)(5) of the Act.<sup>50</sup>

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>51</sup> that the proposed rule change (SR-CBOE-2005-60) and Amendment No. 1 thereto, are approved, and that Amendment No. 2 thereto is approved on an accelerated basis, except that (1) paragraph (b)(2)(E) of CBOE Rule 6.74A is approved on a pilot basis until July 18, 2006; and (2) there shall be no minimum size requirement for orders entered into the AIM, for a pilot period expiring on July 18, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>52</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-1836 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

<sup>49</sup> 15 U.S.C. 78s(b)(2).

<sup>50</sup> 15 U.S.C. 78f(b)(5). In connection with the issuance of this approval order, neither the Commission nor its staff is granting any exemptive or no-action relief from the requirements of Rule 10b-10 under the Act. 17 CFR 240.10b-10. Accordingly, a broker-dealer executing a customer order through the AIM auction will need to comply with all applicable requirements of that Rule.

<sup>51</sup> 15 U.S.C. 78s(b)(2).

<sup>52</sup> 17 CFR 200.30-3(a)(12).

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53229; File No. SR-CBOE-2006-12]

#### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Bid/Ask Differentials in CBOE Rule 8.7

February 6, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 31, 2006, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The CBOE has filed this proposal pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission.<sup>5</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend CBOE Rule 8.7, "Obligations of Market Makers," to modify the bid/ask differential rules for options trading in open outcry and on the CBOE's Hybrid System ("Hybrid") and Hybrid 2.0 Platform ("Hybrid 2.0").<sup>6</sup> The text of the proposed rule change appears below. Proposed new language is *italicized*; proposed deletions are bracketed.

#### Rule 8.7—Obligations of Market-Makers

Rule 8.7. (a) No change  
(b) Appointment. With respect to each class of option contracts for which he holds an Appointment under Rule 8.3, a Market-Maker has a continuous obligation to engage, to a reasonable

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> The CBOE has asked the Commission to waive the five-day pre-filing requirement and the 30-day operative delay provided in Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

<sup>6</sup> Hybrid is the CBOE's trading platform that allows individual Market Makers to submit electronic quotes in their appointed classes. Hybrid 2.0 is an enhanced trading platform that allows remote quoting by authorized categories of members. See CBOE Rule 1.1(aaa).

degree under the existing circumstances, in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class. Without limiting the foregoing, a Market-Maker is expected to perform the following activities in the course of maintaining a fair and orderly market:

(i)-(iii) No change

(iv) To price options contracts fairly by, among other things, bidding and/or offering in the following manner:

(A) *Bidding and Offering in Open Outcry.* With respect to all option classes traded on the Exchange, bids and offers made in open outcry shall be priced so as to create differences of no more than \$0.25 between the bid and offer for each option contract for which the bid is less than \$2, no more than \$0.40 where the bid is at least \$2 but does not exceed \$5, no more than \$0.50 where the bid is more than \$5 but does not exceed \$10, no more than \$0.80 where the bid is more than \$10 but does not exceed \$20, and no more than \$1 where the bid is more than \$20, provided that the [appropriate Market Performance Committee] Exchange may establish differences other than the above for one or more options series. The bid/ask differentials stated above shall not apply to in-the-money series where the quote width (i) on the primary market of the underlying security [ies market], or (ii) calculated by the Exchange or its agent for various indices pursuant to Interpretation .08 of Rule 8.7, as applicable, is wider than the differentials set forth above. For these series, the bid/ask differential may be as wide as the quotation on the primary market of the underlying security or calculated by the Exchange or its agent for various indices, as applicable.

(B) *Opening Rotations.* The provisions of Rule 8.7(b)(iv)(A) shall apply during the applicable opening rotation employed in Hybrid classes, Hybrid 2.0 classes, and Non-Hybrid and Non-Hybrid 2.0 classes.

([A]C) *Option Classes Trading on the Hybrid Trading System and Hybrid 2.0 Platform.* Except as provided in subparagraphs (i) and (ii) below, [O]ption[s] [on] classes trading on the Hybrid Trading [s]System and the Hybrid 2.0 Platform may be quoted electronically with a difference not to exceed \$5 between the bid and offer regardless of the price of the bid. [The \$5 quote widths shall only apply to classes trading on the Hybrid system

and only following the opening rotation in each security (i.e., the widths specified in paragraph (b)(iv) above shall apply during opening rotation).] *The provisions of Rule 8.7(b)(iv)(A) shall apply to any [Q]quotes given in open outcry in Hybrid classes and Hybrid 2.0 classes [may not be quoted with \$5 widths and instead must comply with the legal width requirements (e.g., no more than \$0.25 between the bid and offer for each option contract for which the bid is less than \$2) described in paragraph (iv) and not subparagraph (iv)(A)].*

i. *The \$5 bid/ask differential stated in subparagraph (C) above shall not apply to in-the-money series where the quote width on the primary market of the underlying security, or the quote width calculated by the Exchange or its agent for various indices pursuant to Interpretation .08, is wider than \$5. For these series, the bid/ask differential may be as wide as the quote width on the primary market of the underlying security or calculated by the Exchange or its agent, as applicable; and*

ii. *The Exchange may establish quote width differences other than as provided in subparagraph (C) for one or more option series.*

(c)-(e) No change.

#### . . . Interpretations and Policies:

.01-.13 No change

\* \* \* \* \*

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The CBOE proposes to make a number of changes to its rules relating to bid/ask differentials as described below, including reorganizing CBOE Rule 8.7(b)(iv) to set forth in separate paragraphs the applicable bid/ask differentials in open outcry, during the

opening rotation, and for option classes trading on Hybrid or Hybrid 2.0.

CBOE Rule 8.7(b)(iv) establishes maximum bid/ask differentials (also referred to as quote spread requirements) for Market Makers that vary depending upon the price of the option class and the trading platform on which the option class trades (e.g., Hybrid, Non-Hybrid). For bids and offers in open outcry, the allowable bid/ask differentials are currently no more than \$0.25 when the bid is less than \$2, no more than \$0.40 when the bid is at least \$2 but does not exceed \$5, no more than \$0.50 where the bid is more than \$5 but does not exceed \$10, no more than \$0.80 when the bid is more than \$10 but does not exceed \$20, and no more than \$1 where the bid is more than \$20. CBOE Rule 8.7(b)(iv) provides that the Exchange may establish differences other than the above for one or more option series.<sup>7</sup> Additionally, CBOE Rule 8.7(b)(4) provides that the differentials stated above do not apply to in-the-money-series where the underlying securities market is wider than the above; for those series, the differential may be as wide as the quotation on the primary market of the underlying security. With respect to option classes trading on Hybrid or Hybrid 2.0, bids and offers may be quoted electronically with a difference not to exceed \$5 following the opening rotation regardless of the price of the bid.

With respect to the bid/ask differentials in open outcry, the CBOE is proposing to amend CBOE Rule 8.7(b)(iv) to modify the existing allowable bid/ask differentials as follows. The proposed rule change maintains in amended paragraph (A) of CBOE Rule 8.7(b)(iv) the existing provisions of CBOE Rule 8.7(b)(iv) which allow the bid/ask differentials for in-the-money series to be quoted in open outcry as wide as the quotation in the underlying securities market. Additionally, the Exchange proposes to cross reference in amended CBOE Rule 8.7(b)(iv)(A) the provisions of CBOE Rule 8.7, Interpretation and Policy .08, pertaining to bid/ask differentials for index options as to which the Exchange or its authorized agent calculates bids and asks.<sup>8</sup> Thus, under CBOE Rule 8.7(b)(iv)(A), as amended, the bid/ask differentials for in-the-money series of index options may be as wide as the

<sup>7</sup> The CBOE proposes to amend CBOE Rule 8.7(b)(iv) to substitute the Exchange for the appropriate Market Performance Committee.

<sup>8</sup> CBOE Rule 8.7, Interpretation and Policy .08, provides that the Exchange or its authorized agent may calculate bid/ask values for various indexes for the sole purpose of determining permissible bid/ask differentials on options on those indexes.

bid/ask differential calculated by the CBOE or its authorized agent pursuant to CBOE Rule 8.7, Interpretation and Policy .08.

The proposed rule change also establishes a new paragraph (B) under CBOE Rule 8.7(b)(iv), which provides that the provisions of CBOE Rule 8.7(b)(iv)(A), as amended, shall apply during the opening rotation in Hybrid classes, Hybrid 2.0 classes, and non-Hybrid and non-Hybrid 2.0 classes. As noted above, CBOE Rule 8.7(b)(iv)(A), as amended, sets forth the permissible bid/ask differentials for trading in open outcry. The CBOE states that new paragraph (B) of CBOE Rule 8.7(b)(iv) is consistent with the CBOE's existing rules pertaining to the permissible bid/ask differentials that apply during the opening rotation.<sup>9</sup> Thus, according to the CBOE, this proposed modification does not make any substantive changes to the CBOE's existing rules relating to the permissible bid/ask differentials during the opening rotation.

New paragraph (C) of CBOE Rule 8.7(b)(iv) contains the permissible quote width differentials that apply to option classes trading on Hybrid and Hybrid 2.0. These quote width differentials were previously contained in CBOE Rule 8.7(b)(iv)(A). New paragraph (C) makes clear that the quote width differentials that apply to options classes trading on Hybrid are equally applicable to option classes trading on Hybrid 2.0. In addition, proposed new CBOE Rule 8.7(b)(iv)(C)(i) provides that the quote widths for in-the-money series of options classes trading on Hybrid and Hybrid 2.0 may be as wide as the quote width of the underlying security or index reported by the Exchange or its agent, as applicable, when that quote width is greater than \$5. The CBOE states that these provisions are identical to International Securities Exchange ("ISE") Rule 803(b)(4).

Additionally, proposed new paragraph (C) would permit the Exchange to establish permissible quote width differentials other than as provided in CBOE Rule 8.7(b)(iv)(C). For example, the Exchange may determine to grant bid/ask relief in the event of unusual circumstances, such as a pending merger or acquisition of an

<sup>9</sup> For example, CBOE Rule 6.2B, "Hybrid Opening System," provides that in calculating an Expected Opening Price during the opening, the quote of the Designated Primary Market Maker or at least one Market Maker or Lead Market Maker with an appointment in an options class must be present and comply with the legal width quote requirements of current CBOE Rule 8.7(b)(iv). In addition, CBOE Rule 8.7(b)(iv)(A) currently provides that for classes trading on Hybrid, the quote widths in CBOE Rule 8.7(b)(iv) apply during the opening rotation in each security.

underlying security, a distribution of a special cash dividend, or other unusual circumstances. The CBOE believes that granting the Exchange the ability to establish quote width differentials greater than \$5 in unusual circumstances will have no deleterious effects on average quote widths and will contribute to the maintenance of efficient markets. The CBOE notes that this provision is consistent with ISE Rule 803(b)(4), which grants the ISE the authority to establish quote width differences other than as provided in ISE Rule 803(b)(4).

## 2. Statutory Basis

The CBOE believes that the proposed rule change is consistent with the Act<sup>10</sup> and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>11</sup> Specifically, the CBOE believes that the proposed rule change is consistent with the requirements under Section 6(b)(5)<sup>12</sup> of the Act that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The CBOE neither solicited nor received comments on the proposal.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The CBOE has designated the proposed rule change as one that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Therefore, the foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>13</sup> and

Rule 19b-4(f)(6) thereunder.<sup>14</sup> The CBOE has asked the Commission to waive the requirement in Rule 19b-4(f)(6)(iii)<sup>15</sup> that the CBOE provide the Commission with written notice of its intention to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to filing the proposal with the Commission.

Pursuant to Rule 19b-4(f)(6)(iii) under the Act, a proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The CBOE has asked the Commission to waive the 30-day operative delay and to allow the proposal to become operative upon filing. In this regard, the CBOE states that the proposal raises no unique issues and that it reorganizes CBOE Rule 8.7 to make clear the bid/ask differential provisions that apply in open outcry, during the opening rotation, and to classes trading on Hybrid and Hybrid 2.0. In addition, the CBOE states that new subparagraphs (i) and (ii) of CBOE Rule 8.7(b)(iv)(C) are consistent with ISE Rule 803(b)(4).

The Commission waives the five-day pre-filing requirement. In addition, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed changes to CBOE Rule 8.7 are consistent with existing CBOE or ISE rules.<sup>16</sup> In this regard, current CBOE Rule 8.7(b)(iv), which applies to trading in open outcry and which will be renumbered as CBOE Rule 8.7(b)(iv)(A), provides that the bid/ask differential for in-the-money option series may be as wide as the bid/ask differential in the primary market for the underlying security. CBOE Rule 8.7(b)(iv)(A), as amended, extends this principal to in-the-money index option series by allowing the bids/ask differentials for these series to be as wide as the bid/ask differential calculated by the CBOE or its agent. Similarly, current CBOE Rule 8.7(b)(iv)(A), which will be renumbered as CBOE Rule 8.7(b)(iv)(C), provides that the quote widths specified in current CBOE Rule 8.7(b)(iv) apply to Hybrid classes during the opening rotation. New CBOE Rule 8.7(b)(iv)(B) applies these quote widths to the opening rotation in Hybrid classes,

<sup>14</sup> 17 CFR 240.19b-4(f)(6).

<sup>15</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>16</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>10</sup> 15 U.S.C. 78a et seq.

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

Hybrid 2.0 classes, and Non-Hybrid and Non-Hybrid 2.0 classes. The CBOE represents that this modification makes no substantive changes to the CBOE's existing rules relating to permissible bid/ask differentials during the opening rotation.<sup>17</sup> New CBOE Rule 8.7(b)(4)(C)(i), which allows the bid/ask differential for in-the-money series trading on Hybrid and Hybrid 2.0 to be as wide as the quote width on the primary market or, for index options, as wide as the quote width calculated by the CBOE or its agent, is consistent with renumbered CBOE Rule 8.7(b)(iv)(A), as discussed above, and with current ISE Rule 803(b)(4)(i).<sup>18</sup> New CBOE Rule 8.7(b)(4)(C)(ii), allowing the CBOE to establish quote width differentials other than the \$5 width provided in CBOE Rule 8.7(b)(4)(C) for Hybrid and Hybrid 2.0 classes, is consistent with current CBOE Rule 8.7(b)(iv) and with ISE Rule 803(b)(4).<sup>19</sup> In addition, new CBOE Rule 8.7(b)(4)(C) makes clear that the \$5 bid/ask differential provided in that rule applies to both Hybrid and Hybrid 2.0 option classes. For these reasons, the Commission designates that the proposed rule change become operative as of the date of the filing of the proposal.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File

Number SR-CBOE-2006-12 on the subject line.

##### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. SR-CBOE-2006-12. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-CBOE-2006-12 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>20</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-1837 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53223; File No. SR-ISE-2006-06]

### Self-Regulatory Organizations; International Securities Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to Competitive Market Maker Inactivity Fees

February 3, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 23, 2006, the International Securities Exchange, Inc. ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the ISE. On January 31, 2006, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by a self-regulatory organization pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>4</sup> and Rule 19b-4(f)(2) thereunder,<sup>5</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to change its Competitive Market Maker ("CMM") Inactivity Fee. The text of the proposed rule change is available at the Exchange, at the Commission's Public Reference Room and at the Exchange's Web site: [http://www.iseoptions.com/legal/proposed\\_rule\\_changes.asp](http://www.iseoptions.com/legal/proposed_rule_changes.asp).

<sup>17</sup> See also note 9, *supra*.

<sup>18</sup> ISE Rule 803(b)(4)(i) provides that the bid/ask differential for in-the-money series may be as wide as the quotation on the primary market of the underlying security.

<sup>19</sup> Current CBOE Rule 8.7(b)(iv), which applies to trading in open outcry, allows the CBOE to establish bid/ask differentials other than those provided in CBOE Rule 8.7(b)(iv) for one or more options series. Similarly, ISE Rule 803(b)(4) allows the ISE to establish bid/ask differentials other than those specified in ISE Rule 803(b)(4) for one or more options series.

<sup>20</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> In Amendment No. 1, the ISE corrected an error in Exhibit 5 of the original rule filing by eliminating certain inadvertent underlining. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change the Commission considers the period to commence on January 31, 2006, the date on which the ISE filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>5</sup> 17 CFR 240.19b-4(f)(2).



## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

Currently, the ISE charges the owner<sup>6</sup> of a CMM membership an Inactivity Fee of \$25,000 a month if the owner does not: (i) Itself operate the CMM membership, (ii) lease the CMM membership to another member which operates the CMM membership, or (iii) avail itself to one of the exemptions specifically authorized in the Notes to the CMM Inactivity Fee on the Schedule of Fees. The CMM Inactivity Fee was adopted by the Exchange<sup>7</sup> at a time when there was significant demand for CMM memberships and some owners were holding onto inactive memberships. The purpose of the CMM Inactivity Fee was to encourage the timely operation of the memberships to promote greater trading activity on the Exchange.

The Exchange believes the circumstances that lead to the enactment of the CMM Inactivity Fee no longer exist to the same degree that they did in 2002. For one thing, the ISE has created additional CMM memberships to ease demand.<sup>8</sup> The Exchange has also changed its minimum quoting requirements, allowing CMMs to quote

wide markets.<sup>9</sup> Thus, a new owner of a CMM membership can avoid the CMM Inactivity Fee by continuing to "operate" it by quoting \$5-wide markets, enabling it to "ramp up" its quoting at a reasonable pace. Nevertheless, ISE believes that a CMM Inactivity Fee continues to serve a purpose by encouraging the operation of CMM memberships generally, and prefers to retain the fee. At the same time, the Exchange believes that the amount of the fee—\$25,000 a month per membership—is now too high in light of the changed circumstances, imposing an unreasonable burden on firms that hold multiple memberships. Therefore, the Exchange proposes to reduce the amount of the fee to \$5,000 a month per membership, with a cap of \$25,000 on a per-firm basis, *i.e.*, a firm that owns five or more inactive CMMs would pay a maximum CMM Inactivity Fee of \$25,000 per month.

Also, as a matter of "housekeeping," the Exchange proposes to delete certain language in the Notes to the CMM Inactivity Fee relating to assessing the fee to the lessee if the CMM membership was subject to a lease that was approved prior to the effective date of the fee. All such leases have terminated, so there is no longer a need to retain that exception.

#### 2. Statutory Basis

The Exchange states that the basis under the Act for this proposed rule change is the requirement under Section 6(b)(4)<sup>10</sup> that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change. The ISE has not received any unsolicited written comments from members or other interested parties.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>11</sup> and paragraph (f)(2) of Rule 19b-4 thereunder<sup>12</sup> because it establishes or changes a due, fee, or other charge. At any time within 60-days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2006-06 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-ISE-2006-06. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference

<sup>6</sup> The Note to the CMM Inactivity Fee on the Schedule of Fees provides that the fee applies to the owner of the CMM membership, unless the inactive CMM membership is subject to a lease that was approved by the Exchange prior to the effective date of the fee, in which case the fee would apply to the lessee.

<sup>7</sup> See Securities Exchange Act Release No. 46272 (July 26, 2002), 67 FR 50497 (August 2, 2002) (SR-ISE-2002-11).

<sup>8</sup> See Securities Exchange Act Release Nos. 47289 (January 30, 2003), 68 FR 5947 (February 3, 2003) (SR-ISE-2002-28) (approving a proposed rule change to increase CMM memberships from 100 to 130); 49195 (February 5, 2004), 69 FR 7061 (February 12, 2004) (SR-ISE-2003-38) (approving a proposed rule change to increase CMM memberships from 130 to 160).

<sup>9</sup> See Securities Exchange Act Release No. 50015 (July 14, 2004), 69 FR 43872 (July 22, 2004) (SR-ISE-2003-22).

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>12</sup> 17 CFR 240.19b-4(f)(2).

Room. Copies of such filing also will be available for inspection and copying at the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2006-06 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-1838 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53233; File No. SR-NASD-2006-019]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Uniform Order Warning and Rejection Parameters for the Nasdaq Market Center

February 6, 2006

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 3, 2006, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been substantially prepared by Nasdaq. Nasdaq filed the proposed rule change as a "non-controversial" rule change under Rule 19b-4(f)(6) under the Act,<sup>3</sup> which rendered the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to establish uniform order warning and rejection parameters for the Nasdaq Market Center. Nasdaq

would like to implement the proposed rule change on February 6, 2006. The text of the proposed rule change is available on the NASD's Web site, <http://www.nasdaq.com>, at the NASD's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

Nasdaq is proposing the establishment of uniform warning and rejection parameters for orders that, at the time of entry, cross the best bid/offer in the Nasdaq Market Center. Under the proposal, the Nasdaq Market Center would provide a warning message<sup>4</sup> to market participants that enter an order that is 10% or more away from the Nasdaq inside, while orders that at the time of entry are 20% or more away from the inside would be rejected by the system. For orders priced less than \$1.00, Nasdaq is proposing to implement specific penny-based warning and rejection parameters of \$0.10 and \$0.20 respectively. Market orders would not be subject to any price validation, and these warning and rejection parameters would apply regardless of the method used by the participant to enter the quote/order into the Nasdaq Market Center (e.g., FIX, QIX, CTCL or the New Nasdaq Workstation). These warning/rejection parameters are summarized below:

Price	Warning (percentage/amount)	Reject (percentage/amount)
Less than \$1	10%	20%
\$1-\$999,999	10%	20%

The warning and rejection parameters proposed here will be in effect from 8

<sup>4</sup> This warning message may be overridden by the entering party, in which case the order will be allowed entry into the system and processed in the normal course.

a.m. through 4 p.m. eastern time and key off the best bid/offer prices within the Nasdaq Market Center at the time of order-entry. Orders entered for participation in Nasdaq's opening and closing cross processes will not be subject to the proposed warning and rejection parameters.

Nasdaq is establishing these parameters in an attempt to mitigate the negative market-wide impacts resulting from the entry of mis-priced orders, especially in cases of large system malfunctions resulting in the submission of numerous mis-priced orders into the public market in a very short time span. Nasdaq believes that its proposal continues to allow vigorous price discovery near the inside market while protecting the integrity of the market from distortions created by the submission of abnormally priced orders.

###### 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 15A of the Act,<sup>5</sup> in general, and Section 15A(b)(6)<sup>6</sup> of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

##### B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

##### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Nasdaq has neither solicited nor received written comments on the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate, if consistent with the protection of

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> U.S.C. 78s(b)(1).

<sup>17</sup> GFR 240.19b-4.

<sup>17</sup> CFR 240.19b-4(f)(6).

<sup>5</sup> 15 U.S.C. 78o-3.

<sup>6</sup> 15 U.S.C. 78o-3(b)(6).

investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>8</sup>

Nasdaq has requested that the Commission waive the 30-day operative delay period for "non-controversial" proposals and make the proposed rule change effective and operative upon filing. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed rule change is intended to protect the integrity of the Nasdaq market by reducing the incidence of the submission of grossly mis-priced orders into the market. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.<sup>9</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASD-2006-019 on the subject line.

##### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASD-2006-019. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASD-2006-019 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-1830 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53224; File No. SR-NASD-2005-112]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Amendments to Rule 3360 To Expand Short Interest Reporting to OTC Equity Securities

February 3, 2006.

#### I. Introduction

On September 20, 2005, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend NASD Rule 3360 to expand short interest

reporting requirements to over-the-counter ("OTC") equity securities.<sup>3</sup> The proposed rule change was published for comment in the *Federal Register* on November 3, 2005.<sup>4</sup> The Commission received seven comment letters on the proposal.<sup>5</sup> The NASD filed a response to the comment letters on January 20, 2006.<sup>6</sup> This order approves the proposed rule change.

#### II. Description of the Proposal

The proposal would amend Rule 3360, Short-Interest Reporting, to require that members maintain and report on a monthly basis total short positions in OTC equity securities in all customer and proprietary firm accounts.<sup>7</sup> Currently, Rule 3360(a) requires members to maintain a record of total short positions<sup>8</sup> in all customer and proprietary firm accounts in Nasdaq securities (and listed securities if not reported to another self-regulatory organization ("SRO")) and requires members to report such information to the NASD on a monthly basis. The NASD believes that expanding the monthly short interest reporting requirements to OTC equity securities will increase the information available to public investors and other interested parties related to trading in OTC equity securities. Accordingly, the NASD

<sup>1</sup> The term "OTC equity securities" means any equity securities that are neither included in the Nasdaq Stock Market nor traded on a national securities exchange.

<sup>4</sup> See Securities Exchange Act Release No. 52679 (Oct. 26, 2005), 70 FR 66875 (Nov. 3, 2005) (the "Proposing Release").

<sup>5</sup> See e-mail from Greg Hogberg to [enforcement@sec.gov](mailto:enforcement@sec.gov), dated December 30, 2005 (attaching letter from Dr. Jim DeCosta to Jonathan G. Katz, Secretary, SEC, dated November 24, 2005); e-mail from Donald L. Smith to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated December 16, 2005; letter from Dr. Jim DeCosta to Jonathan G. Katz, Secretary, SEC, dated November 24, 2005 ("DeCosta"); e-mail from Paul Vuksich to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated November 22, 2005 ("Vuksich"); e-mail from David Patch to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated November 17, 2005 ("Patch"); e-mail from Daniel Opydyke to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated November 10, 2005; e-mail from Chris Meredith to [rule-comments@sec.gov](mailto:rule-comments@sec.gov), dated November 1, 2005 ("Meredith").

<sup>6</sup> See letter from Andrea D. Orr, Assistant General Counsel, NASD, to Nancy M. Morris, Secretary, SEC, dated January 20, 2006.

<sup>7</sup> Non-self-clearing broker-dealers generally are considered to have satisfied their reporting requirement by making appropriate arrangements with their respective clearing organizations. See NASD Notice to Members 03-08 (Jan. 2003).

<sup>8</sup> Rule 3360(b) provides that short positions required to be reported under the rule are those resulting from short sales as the term is defined in Rule 206 of Regulation SHO under the Act ("Regulation SHO"), with limited exceptions. Rule 200 of Regulation SHO provides, in part, the following: "The term 'short sale' shall mean any sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller." 17 CFR 242.200(a).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6).

<sup>9</sup> For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

proposes to amend Rule 3360(a) to require that members maintain and report to the NASD short sale positions for OTC equity securities. For purposes of the proposed rule change, OTC equity securities would be defined as any equity security that is not listed on The Nasdaq Stock Market or a national securities exchange.

The NASD will announce the effective date of the proposed rule change in a *Notice to Members* to be published no later than 60 days following Commission approval. In the proposed rule change, the NASD stated that in recognition of the technological and systems changes the proposed rule change may require, the effective date for the proposed rule change will be 90 days following publication of the NASD's *Notice to Members* announcing Commission approval.<sup>9</sup>

In the Proposing Release,<sup>10</sup> the Commission specifically requested comment regarding whether the implementation period for the proposed rule change could be shorter.<sup>11</sup> The Commission did not receive any comments regarding this specific request for comment. Thus, the Commission has determined not to request that the NASD shorten the implementation period.

### III. Summary of Comments

The Commission received seven comment letters on the proposal.<sup>12</sup> The commenters generally supported the proposal. Some commenters, however, recommended additional changes to the proposed rule and to other rules relating to short selling. The following is a summary of the major concerns the commenters raised.

Two commenters questioned the exceptions to the short interest reporting requirements contained in current Rule 3360 and in the proposed rule change.<sup>13</sup> Both current Rule 3360 and the proposed rule change provide that NASD members must report short interest positions that result from "short sales," as that term is defined in Rule 200 of Regulation SHO,<sup>14</sup> with the exception of positions that meet the requirements of subsections (e)(1), (6), (7), (8) and (10) of Rule 10a-1 under the Act.<sup>15</sup>

The commenters recommended that the exceptions be eliminated from the proposed rule change and all short interest positions be reported and publicly disseminated.<sup>16</sup> One commenter argued that all short interest positions should be disclosed to the investing public so that investors have an understanding of exactly how much supply is actually in the system because the short interest position affects the overall valuation of a security.<sup>17</sup>

One commenter proposed amendments to Rule 3360 that would require issuers to cause their transfer agents to report long and short interest positions to the NASD at the close of each trading day.<sup>18</sup> This commenter's recommendation would also require transfer agents on behalf of issuers to report certain share information to the NASD at the close of each trading day, such as authorized shares, total shares outstanding, and shares held in street name.<sup>19</sup>

Some commenters asserted that further action in the short selling area is necessary, in particular to address naked short selling abuses and what they believe to be certain loopholes in Regulation SHO.<sup>20</sup> Other commenters raised concerns regarding hedge fund regulation, the National Securities Clearing Corporation's Continuous Net Settlement System and the Depository

of Rule 10a-1 contains exceptions to the price test restrictions. The exceptions in Rule 10a-1(e) were designed to permit certain types of trading activities that were intended to benefit the markets or that were believed to carry little risk of the kind of manipulative or destabilizing trading that the rule was designed to address. See Securities Exchange Act Release No. 48709 (Oct. 28, 2003), 68 FR 62972 (Nov. 6, 2003). Subsection (e)(1) of Rule 10a-1 permits short sales to be effected without regard to the price test restrictions in the rule if the seller owns the security sold and intends to deliver such security as soon as possible without undue inconvenience or expense. See 17 CFR 240.10a-1(e)(1). Subsection (e)(6) of Rule 10a-1 contains an exception for certain sales of a security effected with the approval of an exchange which are necessary to equalize the price of such security with the current price of such security on another national securities exchange, which is the principal exchange market. See 17 CFR 240.10a-1(e)(6). Subsection (e)(7) of Rule 10a-1 contains an exception for certain bona fide domestic arbitrage transactions. See 17 CFR 240.10a-1(e)(7). Subsection (e)(8) of Rule 10a-1 contains an exception for certain international domestic arbitrage transactions. See 17 CFR 240.10a-1(e)(8). Subsection (e)(10) of Rule 10a-1 generally excepts sales of securities by underwriters or syndicate members participating in a distribution in connection with an over-allotment, and any lay-off sales by such a person in connection with a distribution of securities through rights or a standby underwriting commitment. See 17 CFR 240.10a-1(e)(10).

<sup>16</sup> See Patch at 1; Meredith at 1.

<sup>17</sup> See Patch at 1.

<sup>18</sup> See Vuksich at 1.

<sup>19</sup> See *id.*

<sup>20</sup> See e.g., DeCosta.

Trust & Clearing Corporation's stock loan program.<sup>21</sup>

### IV. NASD's Response

In its response letter,<sup>22</sup> the NASD stated that it believed that all the comments were outside the scope of its rule filing because the proposed rule change is limited to expanding the current short interest reporting requirements to OTC equity securities.<sup>23</sup> The NASD stated in its letter that because the changes recommended by the commenters were not germane to the proposal, were beyond the purview of the NASD, or related to amendments to another SRO's rules or SEC rules, the NASD was not responding to those recommendations specifically in its response letter.<sup>24</sup> In addition, the NASD stated that it would review and analyze these recommendations in the same manner in which it would consider any requests for rulemaking, and, based on such review and analysis, would determine whether further action on these recommendations is appropriate.<sup>25</sup>

With respect to comments regarding the exceptions to short interest reporting contained in current NASD Rule 3360 and the proposed rule change, the Commission urges the NASD to conduct an in-depth review of the exceptions to short interest reporting to determine whether future rulemaking regarding the exceptions is appropriate.

### V. Discussion and Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 15A of the Act<sup>26</sup> and the rules and regulations thereunder. Specifically, the Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>27</sup> which requires, among other things, that the NASD's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest.<sup>28</sup>

<sup>21</sup> See e.g., Meredith at 1; DeCosta at 2-8.

<sup>22</sup> See supra note 6.

<sup>23</sup> *Id.* at 3.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> 15 U.S.C. 78o-3.

<sup>27</sup> 15 U.S.C. 78o-3(b)(6).

<sup>28</sup> In approving this proposed rule change the Commission notes that it has considered the

<sup>9</sup> See 70 FR at 66876.

<sup>10</sup> See supra note 4.

<sup>11</sup> 70 FR at 66876.

<sup>12</sup> See supra note 5.

<sup>13</sup> See Patch at 1; Meredith at 1.

<sup>14</sup> See 17 CFR 242.200(a).

<sup>15</sup> See NASD Rule 3360(b); supra note 4. Rule 10a-1 provides that, subject to certain exceptions, a short sale in an exchange-registered security may be effected only pursuant to the price test restrictions contained in Rule 10a-1. Subsection (e)

The Commission believes that expanding short interest reporting to OTC equity securities will protect investors and the public interest by requiring NASD members to increase the information available to investors and other interested parties related to trading in OTC equity securities.

## VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>29</sup> that the proposed rule change (SR-NASD-2005-112) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>30</sup>

Nancy M. Morris,

Secretary.

[FR Doc. E6-1842 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53213; File No. SR-NYSE-2005-80]

### Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to NYSE Rule 36, RCMs' Ability to Use Exchange Authorized and Issued Portable Phones on the NYSE Floor

February 2, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 22, 2005, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On January 18, 2006, NYSE filed Amendment No. 1 to the proposed rule change.<sup>3</sup> NYSE filed this proposal pursuant to Section 19(b)(3)(A) of the Act<sup>4</sup> and Rule 19b-4(f)(6) thereunder<sup>5</sup> as non-controversial, and therefore the proposed rule change is effective

proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>29</sup> 15 U.S.C. 78s(b)(2).

<sup>30</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> In Amendment No. 1, the Exchange clarified proposed NYSE Rule 36.22 and added in the purpose section a new footnote relating to surveillance and examination procedures to monitor the activities of RCMs.

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>5</sup> 17 CFR 240.19b-4(f)(6).

immediately upon filing. The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This filing amends NYSE Rule 36 to permit Registered Competitive Market Makers ("RCMMs"), as defined in NYSE Rule 107A, to use Exchange authorized and provided portable phones and consists of proposed member education bulletins which describe the conditions under which Floor brokers and RCMs may use such phones pursuant to the Exchange's portable phone pilot ("Pilot"). The conditions under which a Floor broker and a RCM may use a portable phone pursuant to the Pilot are proposed as NYSE Rules 36.21 and 36.22.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

##### Background

The Commission approved implementation of the Exchange's amendment to NYSE Rule 36 allowing Floor brokers to use Exchange authorized and provided portable phones on the Exchange Floor as a six-month pilot<sup>6</sup> beginning no later than June 23, 2003.<sup>7</sup> Since the inception of the Pilot, the Exchange has extended the Pilot five times, with the current Pilot expiring on January 31, 2006.<sup>8</sup> In

<sup>6</sup> See Securities Exchange Act Release No. 47671 (April 11, 2003), 68 FR 19048 (April 17, 2003) (SR-NYSE-2002-11) ("Original Order").

<sup>7</sup> See Securities Exchange Act Release No. 47992 (June 5, 2003), 68 FR 35047 (June 11, 2003) (SR-NYSE-2003-19) (delaying the implementation date for portable phones from on or about May 1, 2003 to no later than June 23, 2003).

<sup>8</sup> See Securities Exchange Act Release Nos. 48919 (December 12, 2003), 68 FR 70853 (December 19, 2003) (SR-NYSE-2003-38) (extending the Pilot for an additional six months ending on June 16, 2004);

addition, the Exchange filed for permanent approval of this rule.<sup>9</sup> The Exchange represents that no administrative or technical problems, other than routine telephone maintenance issues, have resulted from the Pilot over the past few months.<sup>10</sup>

#### NYSE Rule 36

NYSE Rule 36 (Communications Between Exchange and Members' Offices) governs the establishment of telephone or electronic communications between the Exchange Floor and any other location. Today, NYSE Rule 36.20 permits a Floor broker to use an Exchange authorized and provided portable telephone on the Exchange Floor. NYSE Rule 36.20 does not apply to specialists who are prohibited under this rule from communicating with off-Floor locations from the Exchange Floor.<sup>11</sup>

Currently, under the Pilot, with the approval of the Exchange, a Floor broker is permitted to engage in direct voice communication from the point of sale to an off-Floor location, such as a member firm's trading desk or the office of one of the Floor broker's customers.<sup>12</sup> Such

49954 (July 1, 2004), 69 FR 41323 (July 8, 2004) (SR-NYSE-2004-30) (extending the Pilot for an additional five months ending on November 30, 2004); 50777 (December 1, 2004), 69 FR 71090 (December 8, 2004) (SR-NYSE-2004-67) (extending the Pilot for an additional four months ending March 31, 2005); 51464 (March 31, 2005), 70 FR 17746 (April 7, 2005) (SR-NYSE-2005-20) (extending the Pilot for an additional four months ending July 31, 2005); and 52188 (August 1, 2005), 70 FR 46252 (August 9, 2005) (SR-NYSE-2005-53) (extending the Pilot for an additional six months ending January 31, 2006).

<sup>9</sup> See SR-NYSE-2004-52, pending with the Commission.

<sup>10</sup> The Exchange notes that it began receiving records of incoming telephone calls in June 2005 and will continue to receive monthly updates. With respect to regulatory actions concerning the Pilot, there is an open investigation into possible insider trading in an NYSE listed security in which the trading activity of two RCMs has been identified and is under review. With respect to one of these RCMs, the use by the RCM of an Exchange authorized and provided portable phone in or about January 2005 is under review as part of the investigation. Telephone conversation between Jeff Rosenstock, Senior Special Counsel, NYSE, and Molly M. Kim, Attorney, Division of Market Regulation, Commission, on January 27, 2006.

<sup>11</sup> NYSE Rule 36.30 provides that, with the approval of the Exchange, a specialist unit may maintain a telephone line at its stock trading post location to the off-Floor offices of the specialist unit or the unit's clearing firm. Such telephone connection shall not be used for the purpose of transmitting to the Floor orders for the purchase or sale of securities but may be used to enter options or futures hedging orders through the unit's off-Floor office or the unit's clearing firm or through a member (on the floor) of an options or futures exchange.

<sup>12</sup> Floor brokers receiving orders from the public over portable phones must be properly qualified to engage in such direct access business under NYSE

Continued

communication permit Floor brokers to accept orders consistent with Exchange rules and provide status and oral execution reports for orders previously received, as well as "market look" observations as historically have been routinely transmitted from a Floor broker's booth location. The use of a portable telephone on the Exchange Floor other than one authorized and provided by the Exchange is prohibited.

**RCMMs**

The Commission approved the Exchange's proposed rule to permit members to register as RCMMs on May 1, 1978.<sup>13</sup> Under NYSE Rule 107A, RCMMs may trade for their own account or the account of their member organization and may also serve as Floor brokers executing customer orders.<sup>14</sup> Currently, there are eleven (11) registered RCMMs. RCMMs are also subject to being called by a Floor Official or a Floor broker holding an unexecuted customer order to improve the market in any listed stock by either bidding/offering to narrow the spread by at least the minimum trading variation or improving the depth of the market by at least one unit of trading (normally 100 shares).<sup>15</sup> Further, a member may not act as a RCMM and a broker representing an agency order in the same security on the same day.<sup>16</sup>

#### Proposed Changes to NYSE Rule 36

Prior approval orders by the Commission concerning the Pilot and the current NYSE Rule 36.20 only apply to a Floor broker's ability to use an Exchange authorized and provided portable phone. RCMMs are non-specialist members of the Exchange and do not have the same type of information (*i.e.*, access to the Display Book®) that a specialist has. As such, the Exchange believes it is appropriate for RCMMs to participate in the Pilot so that they could communicate with their offices in order to, among other things, enter off-Floor orders and better monitor their positions. Therefore, in order to clarify that NYSE Rule 36.20 would

apply to RCMMs and Floor brokers, the Exchange proposes to delete the current reference in NYSE Rule 36.20 to "members and member organizations other than a specialist or specialist member organization" and replacing it with the terms "Floor brokers and RCMMs."

The Exchange believes that providing portable phones to RCMMs would increase the efficiency of their trading in accordance with NYSE Rule 107A, especially given the changes in the speed of trading.<sup>17</sup> However, given their ability to trade for their own account or the account of their member organizations without the restrictions that apply to other non-specialist members and member organizations, the Exchange also believes it appropriate to limit RCMMs' use of portable phones in accordance with the Pilot, as follows:

- Limit their use of the portable phone solely to communications with their upstairs office's land line and the land line of their clearing member organization's upstairs office to enter off-Floor orders and discuss matters related to the clearance and settlement of transactions;
- RCMMs, their off-Floor offices, and their member organization's off-Floor offices would not be allowed to use portable phones to transmit to the Floor orders for the purchase or sale of securities by public customers or any other agency business;
- RCMMs' use of the portable phone pursuant to proposed NYSE Rules 36.20 and 36.22 must comply with all other rules, policies, and procedures of both the federal securities laws and the Exchange, including the record retention requirements, as set forth in NYSE Rule 440 and Rules 17a-3 and 17a-4 under the Act;<sup>18</sup>
- Require that RCMMs implement procedures designed to deter their upstairs office or their clearing member organization's upstairs office calling their portable phone number from using caller ID block or other means to conceal the phone number from which a call is being made; and
- Call-forwarding or conference calling are prohibited by RCMMs, their upstairs office personnel, and their

clearing member organization's upstairs office.<sup>19</sup>

In addition, no other electronic communication devices may be used unless approved by the Exchange.<sup>20</sup> Finally, RCMMs must execute a written acknowledgement authorizing the portable phone service provider to provide New York Stock Exchange Regulation ("NYSE Regulation") with data and records relating to incoming and outgoing calls.<sup>21</sup>

A member education bulletin describing the above conditions for the use of a portable phone by RCMMs, the acknowledgement procedure, and the proposed rule text would be sent to all RCMMs. The Exchange also proposes that this filing (including proposed conforming changes to NYSE Rule 36) become incorporated into the Pilot.

#### RCMM Acting as a Floor Broker

As noted above, RCMMs are permitted to serve as Floor brokers, executing customer orders, provided they do not execute RCMM and customer orders in the same security on the same day. However, the Pilot permits broader portable phone usage for Floor brokers than RCMMs. Accordingly, RCMMs would not be allowed to use a portable phone to conduct any agency business until issues involving the use of portable phones by a RCMM acting in a capacity of an agent have been fully reviewed and resolved by NYSE Regulation.<sup>22</sup>

#### Use of Portable Phones by Floor Brokers

As noted above, the Exchange is providing in proposed NYSE Rule 36.21 the conditions under which Floor brokers can use portable phones during the Pilot. In addition, the Exchange has developed an acknowledgement for Floor brokers participating in the Pilot to sign. Floor brokers must acknowledge the following:

- They authorize the portable phone service provider to provide NYSE

<sup>19</sup> All Exchange authorized and provided portable phones do not have call-forwarding or conference calling capabilities and would continue to not have such capabilities.

<sup>20</sup> Currently, only Exchange authorized and provided portable phones are approved.

<sup>21</sup> This provision is being proposed as a precautionary measure to address the privacy concerns by the portable phone service provider.

<sup>22</sup> In the future, the Exchange would consider allowing RCMMs to notify NYSE Regulation in writing of their intent to conduct such agency business, and NYSE Regulation would make a determination whether to require that a RCMM amend his or her Form BD with the Commission and/or file an amended membership application with NYSE Regulation. However, allowing RCMMs acting as Floor brokers to use portable phones would involve further discussions with the Commission and would be the subject of a separate filing with the Commission.

Rules 342 and 345, among others. For more information regarding Exchange requirements for conducting a public business on the Exchange Floor, see Information Memos 05-37 (May 27, 2005) and 01-18 (July 11, 2001) (both available on <http://www.nyse.com>) and 91-25 (July 8, 1991).

<sup>13</sup> See Securities Exchange Act Release No. 14718 (May 1, 1978), 45 FR 19738 (May 8, 1978) (SR-NYSE-78-24).

<sup>14</sup> The Exchange has developed surveillance and examination procedures to monitor the activities of RCMMs, including their use of Exchange authorized and provided portable phones.

<sup>15</sup> These RCMM trades are referred to as "affirmative obligation" trades or "call-in notifications."

<sup>16</sup> See NYSE Rule 107A.B(1).

<sup>17</sup> The Exchange believes that, currently, allowing Floor brokers to use portable phones enables the Exchange to continue to provide more direct, efficient access to its trading crowds and customers, increase the speed of transmittal of orders and the execution of trades, and provide an enhanced level of service to customers in an increasingly competitive environment. See Securities Exchange Act Release No. 52188 (August 1, 2005), 70 FR 46252 (August 9, 2005) (SR-NYSE-2005-53).

<sup>18</sup> 17 CFR 240.17a-3 and 240.17a-4.

Regulation with data and records relating to incoming and outgoing calls;

- Their use of the portable phone pursuant to NYSE Rule 36.20 complies with all other rules, policies, and procedures of both the federal securities laws and the Exchange, including the record retention requirements, as set forth in NYSE Rule 440 and Rules 17a-3 and 17a-4 under the Act;<sup>23</sup>

- They are required to implement procedures designed to deter anyone calling their portable phone number from using caller ID block or other means to conceal the phone number from which a call is being made; members and member organizations are required to make and retain records demonstrating compliance with such procedures; and

- No other electronic communication devices may be used unless approved by the Exchange.<sup>24</sup>

A member education bulletin describing the proposed rule text and the acknowledgement procedure would be sent to all Floor brokers participating in the Pilot.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act<sup>25</sup> in general, and further the objectives of Section 6(b)(5) of the Act<sup>26</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the amendment to NYSE Rule 36 would support the mechanism of free and open markets by providing for increased means by which communications to and from the Floor of the Exchange could take place.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change, as amended, does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>27</sup> and Rule 19b-4(f)(6) thereunder.<sup>28</sup> At any time within 60 days of the filing of the proposed rule change, as amended, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.<sup>29</sup>

The Exchange has requested that the Commission waive the 30-day operative period under Rule 19b-4(f)(6)(iii) of the Act.<sup>30</sup> The Commission believes that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay and make this proposed rule change, as amended, immediately effective upon filing on November 21, 2005. The Commission believes that the waiver of the 30-day operative delay may increase the efficiency of the Exchange by providing immediate use of Exchange authorized portable phones to RCMMs. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.<sup>31</sup>

The Commission notes that proper surveillance is an essential component

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f)(6).

<sup>29</sup> For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on January 18, 2006, the date NYSE filed Amendment No. 1 to the proposed rule change. See 15 U.S.C. 78s(b)(3)(C).

<sup>30</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>31</sup> For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

of any telephone access policy to an Exchange Floor. Surveillance procedures should help to ensure that Floor brokers and RCMMs use portable phones as authorized by NYSE Rule 36 and that orders are being handled in compliance with NYSE rules. The Commission expects the Exchange to actively review these procedures and address any potential concerns that have arisen during the Pilot. In this regard, the Commission notes that the Exchange should address whether telephone records are adequate for surveillance purposes.

The Commission also requests that the Exchange report any problems, surveillance, or enforcement matters associated with use of an Exchange authorized and provided portable telephone by Floor brokers and RCMMs on the Exchange Floor. As stated in the Original Order, NYSE should also address whether additional surveillance would be needed because of the derivative nature of the ETFs. Furthermore, in any future additional filings on the Pilot, the Commission would expect that NYSE submit information documenting the usage of the phones, any problems that have occurred, including, among other things, any regulatory actions or concerns, and any advantages or disadvantages that have resulted.<sup>32</sup>

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2005-80 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2005-80. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your

<sup>32</sup> The Commission expects the information to distinguish between Floor brokers' and RCMMs' usage of the phones

<sup>23</sup> 17 CFR 240.17a-3 and 240.17a-4.

<sup>24</sup> Currently, only Exchange authorized and provided portable phones are approved.

<sup>25</sup> 15 U.S.C. 78f(b).

<sup>26</sup> 15 U.S.C. 78f(b)(5).

comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro/shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File number SR-NYSE-2005-80 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>33</sup>

Nancy M. Morris,  
Secretary.

[FR Doc. E6-1839 Filed 2-9-06; 8:45 am]  
BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53228; File No. SR-Phlx-2005-91]

### Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto To Amend the Equity Option Specialist Deficit (Shortfall) Fee

February 6, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 29, 2005, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. On February 1, 2006, the Phlx filed

Amendment No. 1 to the proposed rule change.<sup>3</sup> The Phlx filed the proposal pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>4</sup> and Rule 19b-4(f)(2) thereunder,<sup>5</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its Specialist Deficit (Shortfall) Fee ("shortfall fee") in two ways: (1) Eliminate the DROT Exemption (as defined herein), so that a specialist<sup>6</sup> will be assessed a shortfall fee, subject to the maximum caps currently in effect,<sup>7</sup> even when one or more Streaming Quote Traders ("SQTs")<sup>8</sup> or

<sup>3</sup> In Amendment No. 1, the Exchange made additional changes to the proposed rule text to clarify the assessment of the shortfall fee and the application of the shortfall credit.

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>5</sup> 17 CFR 240.19b-4(f)(2).

<sup>6</sup> The Exchange uses the terms "specialist" and "specialist unit" interchangeably herein.

<sup>7</sup> Certain shortfall fee caps apply to transactions in any of the top 120 equity options pursuant to the following: (1) If Phlx volume in any top 120 equity option, except options on Nasdaq-100 Index Tracking Stock<sup>SM</sup> (traded under the symbol "QQQQ"), is less than or equal to 50 percent of the current threshold volume (presently 6 percent), a cap of \$10,000 will apply; (2) If Phlx volume in any top 120 equity option, except options on QQQQ, is greater than 50 percent of the current threshold volume (presently 6 percent) and less than 12 percent of the total national monthly contract volume, a cap of \$5,000 will apply; (3) If Phlx volume in options on QQQQ is less than or equal to 50 percent of the current threshold volume (presently 6 percent), a cap of \$20,000 will apply; and (4) If Phlx volume in options on QQQQ is greater than 50 percent of the current threshold volume (presently 6 percent) and less than 12 percent of the total national monthly contract volume, a cap of \$10,000 will apply. The Nasdaq-100<sup>SM</sup>, Nasdaq-100 Index<sup>SM</sup>, Nasdaq<sup>SM</sup>, The Nasdaq Stock Market<sup>SM</sup>, Nasdaq-100 Shares<sup>SM</sup>, Nasdaq-100 Trust<sup>SM</sup>, Nasdaq-100 Index Tracking Stock<sup>SM</sup>, and QQQ<sup>SM</sup> are trademarks or service marks of The Nasdaq Stock Market, Inc. ("Nasdaq") and have been licensed for use for certain purposes by the Phlx pursuant to a License Agreement with Nasdaq. The Nasdaq-100 Index<sup>SM</sup> (the "Index") is determined, composed, and calculated by Nasdaq without regard to the Licensee, the Nasdaq-100 Trust<sup>SM</sup>, or the beneficial owners of Nasdaq-100 Shares<sup>SM</sup>. Nasdaq has complete control and sole discretion in determining, comprising, or calculating the Index or in modifying in any way its method for determining, comprising, or calculating the Index in the future.

<sup>8</sup> An SQT is an Exchange Registered Options Trader ("ROT") who has received permission from the Exchange to generate and submit option quotations electronically through an electronic interface with AUTOM via an Exchange approved proprietary electronic quoting device in eligible options to which such SQT is assigned. See Phlx Rule 1014(b)(ii)(A). AUTOM is the Exchange's electronic order delivery, routing, execution and reporting system, which provides for the automatic

Remote Streaming Quote Traders ("RSQTs")<sup>9</sup> trading on the Exchange's electronic options trading platform, Phlx XL,<sup>10</sup> have been designated to receive Directed Orders<sup>11</sup> from Order Flow Providers<sup>12</sup> for the same top 120 equity option<sup>13</sup> in which that specialist unit is acting as the specialist; and (2) establish a shortfall credit of \$0.35 per contract in any top 120 equity option for each specialist unit whose trading volume for such equity option effected on the Exchange in one month exceeds 15% of the total national monthly contract volume for such equity option in that same month, up to the total amount of the shortfall fee, if any, that is incurred in connection with the trading of other top 120 equity options that has not met the volume threshold, which is currently set at 12% of the total national monthly contract volume.

The Exchange also proposes to make a minor, technical change to the shortfall fee section in its Summary of Equity Option Charges by inserting the word "equity" in the phrase "top 120 options" to clarify the type of options to which the Exchange is referring in the shortfall fee section. In addition, the Exchange proposes to clarify that the reference to "transition period" in the first paragraph of the shortfall fee

entry and routing of equity option and index option orders to the Exchange trading floor. See Phlx Rule 1080(a).

<sup>9</sup> An RSQT is a ROT that is a member or member organization of the Exchange with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. An RSQT may only trade in a market making capacity in classes of options in which he is assigned. See Phlx Rule 1014(b)(ii)(B). See generally Securities Exchange Act Release Nos. 51126 (February 2, 2005), 70 FR 6915 (February 9, 2005) (SR-Phlx-2004-90) and 51428 (March 24, 2005), 70 FR 16325 (March 30, 2005) (SR-Phlx-2005-12).

<sup>10</sup> In July 2004, the Exchange began trading equity options on Phlx XL, followed by index options in December 2004. See Securities Exchange Act Release No. 50100 (July 27, 2004), 69 FR 46612 (August 3, 2004) (SR-Phlx-2003-59).

<sup>11</sup> The term "Directed Order" means any customer order to buy or sell which has been directed to a particular specialist, RSQT, or SQT by an Order Flow Provider (as defined herein). See Phlx Rule 1080(l)(i)(A). The provisions of Phlx Rule 1080(l) are in effect for a one-year pilot period to expire on May 27, 2006. See Securities Exchange Act Release No. 51759 (May 27, 2005), 70 FR 32860 (June 6, 2005) (SR-Phlx-2004-91).

<sup>12</sup> The term "Order Flow Provider" means any member or member organization that submits, as agent, customer orders to the Exchange. See Phlx Rule 1080(l)(i)(B).

<sup>13</sup> The Exchange defines a top 120 equity option as one of the 120 most actively traded equity options in terms of the total number of contracts in that option that were traded nationally for a specified month, based on volume reflected by The Options Clearing Corporation

<sup>33</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



section refers to the transition period set forth for any top 120 equity option listed after February 1, 2004 and for any top 120 equity option acquired by a new specialist unit within the first 60 days of operations and which is described at the end of the shortfall fee section. The Exchange considers these changes to be minor, technical changes because they are consistent with current Exchange practice and should help to clarify the assessment of the shortfall fee.

The proposed rule change is scheduled to become effective for transactions settling on or after January 2, 2006. The text of the proposed rule change is available on the Phlx's Internet Web site (<http://www.phlx.com>), at the Phlx's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange currently charges specialist units a shortfall fee of \$0.35 per contract, to be paid monthly in connection with transactions in any top 120 equity option, in most cases, if at least 12% of the total national monthly contract volume in that equity option is not effected by that specialist unit on the Exchange in that month.<sup>14</sup> Effective for trades settling on or after June 6, 2005, the Exchange amended its shortfall fee to no longer charge the shortfall fee when one or more SQTs or RSQTs trading on Phlx XL have been designated to receive Directed Orders from Order Flow Providers ("Directed

Order Flow Program") for the same option in which that specialist unit is acting as the specialist (collectively, the "DROT Exemption").<sup>15</sup> At that time, the Exchange believed that it would not be reasonable to impose a shortfall fee on specialists when SQTs and RSQTs would be competing for market share with respect to the same equity options on a relatively equal basis, as the shortfall fee was designed, in part, to create an incentive for specialists to promote the equity options they have been allocated. Thus, given that the Directed Order Flow Program was a new program, the Exchange believed it was important to see how such program would affect the specialists' market share, as well as how the Directed Order Flow Program might influence order routing decisions by Order Flow Providers.

However, the specialists' market share in certain top 120 equity options currently remains well below the targeted shortfall fee volume threshold of 12% of the total national monthly contract volume effected on the Exchange. Although the Exchange recognizes that the specialists are competing for market share with the SQTs and RSQTs, it believes that obtaining 12% market share, which would include SQT and RSQT volume, is not unreasonable and wants to encourage specialists to compete in garnering greater market share. Thus, the purpose of this proposal is to encourage equity option specialist units to increase their respective market shares and create an incentive, by way of a credit, for such specialists to trade on the Exchange in any top 120 equity option in excess of 15% of the total national monthly contract volume for such top 120 equity option in one month.

Under the proposal, when a specialist unit's trading volume in any top 120 equity option effected on the Exchange in one month exceeds 15% of the total national contract volume for such top 120 equity option in that same month, a shortfall credit of \$0.35 per contract would be applied to such specialist unit's invoice, the dollar amount of which would (i) directly correspond to the number of contracts of such top 120 equity option in excess of 15% of the total national contract volume for such top 120 equity option, and (ii) offset any shortfall fee charged to such specialist unit with respect to any other top 120 equity option traded in that same month. However, the amount of any

shortfall credit may not (a) exceed the total amount of any shortfall fee charged to such specialist unit with respect to any other top 120 equity option traded in that same month, and (b) be applied against any other Exchange charges on the invoice(s) of such specialist unit or subsidiary of such specialist unit. Finally, any excess shortfall credit would not be carried over to subsequent months. Should the total amount of the shortfall credit exceed the total amount of the shortfall fee due, no shortfall fee would be due to the Exchange.<sup>16</sup>

According to the Exchange, the purpose of making the minor, technical changes to the proposed text of the shortfall fee, including the addition of the caption "Transition Period," is to more clearly describe current Exchange practice, which should, in turn, help to avoid confusion regarding the implementation of the shortfall fee.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,<sup>17</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>18</sup> in particular, because it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among members of the Exchange. All specialist units competing in the top 120 equity options would be assessed the same shortfall fee and would be given the same shortfall fee credit.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

<sup>14</sup> An exception to the 12% volume threshold amount relates to a transition period for newly listed top 120 equity options or for any top 120 equity option (including those equity options listed on the Exchange before February 1, 2004) acquired by a new specialist unit. These transition periods are not affected by the current proposal. See Securities Exchange Act Release No. 49324 (February 26, 2004), 69 FR 10089 (March 3, 2004) (SR-Phlx-2004-08).

<sup>15</sup> See Securities Exchange Act Release No. 51947 (June 30, 2005), 70 FR 39542 (July 8, 2005) (SR-Phlx-2005-39).

<sup>16</sup> For example, if the total national monthly contract volume was 8,000,000 contracts for one equity option, and the Exchange's market share in that option was 18% or 1,440,000 contracts, the specialist unit would receive a credit based on the number of contracts in excess of the 15% threshold, up to the total amount of the shortfall fee that was incurred in connection with the trading of other top 120 equity options that did not meet the current 12% volume threshold. In this example, the amount of 1,200,000 contracts represents 15% of the total national monthly contract volume of 8,000,000. Thus, a shortfall credit of \$84,000 (derived from the product of the difference between 1,200,000 contracts and 1,440,000 contracts and \$0.35) would be applied against any other shortfall fees incurred by that specialist unit in that month. If the amount of the shortfall fees totaled less than the amount of the shortfall credit (e.g., the shortfall fees totaled \$25,000 and the shortfall credit was \$84,000), no shortfall fee would be due the Exchange that month. The excess credit of \$59,000 would not carry over to subsequent months.

<sup>17</sup> 15 U.S.C. 78f(b).

<sup>18</sup> 15 U.S.C. 78f(b)(4).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.*

The Phlx has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>19</sup> and Rule 19b-4(f)(2)<sup>20</sup> thereunder. Accordingly, the proposed rule change is effective upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.<sup>21</sup>

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-Phlx-2005-91 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File No. SR-Phlx-2005-91. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>20</sup> 17 CFR 19b-4(f)(2).

<sup>21</sup> The effective date of the original proposed rule change is December 29, 2005, and the effective date of Amendment No. 1 is February 1, 2006. For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers such period to commence on February 1, 2006, the date on which the Exchange filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-Phlx-2005-91 and should be submitted on or before March 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>22</sup>

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-1835 Filed 2-9-06; 8:45 am]

BILLING CODE 8010-01-P

**DEPARTMENT OF STATE**

**[Public Notice 5301]**

**Culturally Significant Objects Imported for Exhibition Determinations: "Action Half Life"**

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Action Half Life," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit

<sup>22</sup> 17 CFR 200.30-3(a)(12).

objects at Fotofest Gallery, from on or about March 10, 2006, until on or about April 23, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW, Room 700, Washington, DC 20547-0001.

Dated: February 6, 2006.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 06-1244 Filed 2-9-06; 8:45 am]

BILLING CODE 4710-05-P

**TENNESSEE VALLEY AUTHORITY**

**Renewal of the Regional Resource Stewardship Council**

Pursuant to the Federal Advisory Commission Act (FACA) and 41 CFR 102-3.65, and following consultation with the Committee Management Secretariat, General Services Administration (GSA), notice is hereby given that the Regional Resource Stewardship Council (Council) has been renewed for a one-year period beginning February 2, 2006. The Council will provide advice to the Tennessee Valley Authority (TVA) on issues affecting TVA's natural resource stewardship activities.

Numerous public and private entities are traditionally involved in the stewardship of the natural resources of the Tennessee Valley region. It has been determined that the Council continues to be needed to provide an additional mechanism for public input regarding stewardship issues.

Further information regarding this advisory committee can be obtained from Sandra L. Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902-1499, (865) 632-2333.

Dated: January 27, 2006.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment, Tennessee Valley Authority.

[FR Doc. 06-1236 Filed 2-9-06; 8:45 am]

BILLING CODE 8120-08-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Availability of Final Environmental Impact Statement for Phoenix Sky Harbor International Airport, Phoenix, Maricopa County, AZ**

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice of availability of final environmental impact statement.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that a Final Environmental Impact Statement has been prepared for the proposed Airport Development Program at Phoenix Sky Harbor International Airport (PHX), Phoenix, Maricopa County, Arizona. FAA is seeking comments on new information disclosed in section 4.2 of the Final EIS.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Mendelsohn, Environmental Protection Specialist, AWP-621.6, Airports Division, Federal Aviation Administration, Western-Pacific Region, PO Box 92007, Los Angeles, California 90009-2007. Telephone: (310) 725-3637. Comments on Volume A of the Final EIS should be submitted to the address above and must be received no later than 5 p.m. Pacific Standard Time, Monday, March 13, 2006.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) as lead agency has prepared a Final Environmental Impact Statement for the proposed Airport Development Program at Phoenix Sky Harbor International Airport (PHX). The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 5050.4A, *Airport Environmental Handbook*. PHX is located in Phoenix, Maricopa County, Arizona. In June 2005, the FAA published the Draft EIS.

The FAA updated section 4.2, Air Quality to include an analysis of the air pollutant, particulate matter (PM<sub>2.5</sub>) in order to comply with particular aspects of Federal law and regulation. Volume 1, section 4.2 of the Final EIS discloses this new information. The FAA is seeking comments from government agencies and the public on this new information. FAA will accept comments on the adequacy of information disclosed in Volume 1, section 4.2 and its associated appendices until 5 p.m. Pacific Standard Time, Monday, March 13, 2006.

FAA will not make a decision on the Proposed Action for a minimum of 30 days following publishing the Notice of

Availability of the Final EIS (40 CFR § 1506.10) in the **Federal Register**. FAA will record the appropriate decision or decisions in a Record of Decision.

Copies of the Final EIS are available for public review at the following locations during normal business hours:

U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of the Airports Division, 15000 Aviation Boulevard, Hawthorne, California 90261.

Phoenix Sky Harbor International Airport, 3400 Sky Harbor Boulevard, Terminal 3, Level 3 East Mezzanine, Phoenix, AZ contact person is Ms. Margaret Gonzales (602) 273-3340.

An electronic copy of the FEIS will also be available on the Airport's Web site at: <http://phoenix.gov/AVIATION/index.html>.

The documents are also available at the following libraries:

Burton Barr Central Library, 1221 N. Central Avenue, Phoenix, AZ 85004;  
Ocotillo Branch Library, 102 W. Southern Avenue, Phoenix, AZ 85041;  
Harmon Branch Library, 411 W. Yavapai Street, Phoenix, AZ 85003;  
Saguaro Branch Library, 2808 N. 46th Street, Phoenix, AZ 85008;  
Tempe Public Library, 3500 S. Rural Road, Tempe, AZ 85282;  
City of Scottsdale Library, 3839 North Drinkwater Boulevard, Scottsdale, AZ 85251.

The Final EIS will be available for public review for 30 days. Written comments on section 4.2 Air Quality of the Final EIS should be submitted to the address above under the heading **FOR FURTHER INFORMATION CONTACT** and must be received no later than 5 p.m. Pacific Standard Time, Monday, March 13, 2006.

Issued in Hawthorne, California, on January 31, 2006.

**Mark A. McClardy,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 06-1113 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Environmental Impact Statement; Galveston County, TX**

**AGENCY:** Federal Highway Administration (FHWA), TxDOT.

**ACTION:** Notice of intent, Bolivar Bridges EIS.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an

Environmental Impact Statement (EIS) will be prepared for a proposed State Highway (SH) 87 bridge connecting Galveston Island and Bolivar Peninsula in Galveston County, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Johnson, P.E., Federal Highway Administration, Texas Division, 300 East 8th Street, Room 826, Austin, Texas 78701, Telephone (512) 536-5960.

**SUPPLEMENTARY INFORMATION:** Federal Highway Administration (FHWA), in cooperation with TxDOT, will prepare an EIS on a proposal that includes transportation alternatives within the southern portion of Bolivar Peninsula from the Bolivar ferry landing to SH 124, the northern portion of Galveston Island from Interstate Highway (IH) 45 at the Galveston Causeway to the Galveston ferry landing, and Pelican Island. The project area crosses Galveston Bay and the Galveston, Texas City, and Houston ship channels.

TxDOT currently operates a free ferry system between Galveston Island and Bolivar Peninsula. Due to increased operations and maintenance costs, TxDOT is proposing to replace the existing ferry system with a permanent bridge. Increasing traffic along SH 87 (Ferry Road) has resulted in lengthy delays for residents and visitors. These delays have resulted in slow emergency vehicle response times and long commute times. Public meetings were held in 200 on Bolivar Peninsula and Galveston Island to solicit comments regarding the existing ferry system and potential long term improvements. Citizens expressed a desire for immediate improvements to the ferry system and favored a bridge for long-term improvements.

In 2001, a feasibility study was completed which evaluated the existing ferry system and identified and compared alternatives for a proposed bridge location. TxDOT is preparing an EIS to further evaluate viable build alternatives and a no build alternative. The implementation of tolling will be considered as a funding option.

The EIS will include a recommended bridge location, number of lanes, roadway configuration, and operational characteristics of the proposed bridge. It will also include a discussion of the effects on socioeconomics, travel patterns, hazardous materials, cultural resources, traffic noise, air quality, biological resources, water resources, floodplains, and wetlands.

Correspondence describing the proposed project and soliciting comments has been sent to appropriate Federal, state, regional, and local agencies, and to organizations and

persons who have previously expressed an interest or are known to have an interest in this project.

TxDOT will conduct two public meetings in February 2006. The public meetings will be conducted in an open house format with no formal presentation. At least 30 days and 10 days prior to the public scoping meetings, notices will be published in newspapers generally circulated in the project area. These will be the first in a series of meetings to solicit public comments on the proposed action as part of the National Environmental Policy Act (NEPA) process. Persons interested in attending these meetings who have special communication or accommodation needs are encouraged to contact the local TxDOT Public Information Office at (713) 802-5072 at least two days prior to the meetings. Because the public meetings will be conducted in English, any requests for language interpreters or other special communication needs should also be made at least two days prior to the public meetings. Every reasonable effort will be made to accommodate these needs.

Public involvement will occur throughout the planning process. Public notice will be given stating the time and place of future public meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to a public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to TxDOT at the address provided. Additional project information may be obtained by visiting the project Web site at <http://www.bolivarbridge.com>.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding governmental consultation on federal programs and activities apply to this program.)

**Gary Johnson,**

*Acting District Engineer, FHWA Texas Division.*

[FR Doc. 06-1238 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement; Montgomery, Harris, Liberty, and Chambers Counties, TX

**AGENCY:** Federal Highway Administration (FHWA), TxDOT.

**ACTION:** Notice of intent, Grand Parkway Segments H and I-1 EIS.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed State Highway (SH) 99 (Grand Parkway Segments H and I-1) connecting US 59 (N) to IH 10 (E) in Montgomery, Harris, Liberty, and Chambers Counties, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Johnson, P.E., Federal Highway Administration, Texas Division, 300 East 8th Street, Room 826, Austin, Texas 78701, Telephone (512) 536-5960.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with TxDOT and the Grand Parkway Association, will prepare an EIS for transportation alternatives included in Segments H and I-1 of the proposed Grand Parkway. Segments H and I-1 are located on the northeast side of the greater Houston metropolitan area and span the area from US 59 (N) to IH 10 (E) generally between FM 2100 and SH 146 in Montgomery, Harris, Liberty, and Chambers Counties, a distance of approximately 36 miles.

The proposed Grand Parkway is planned as a 182-mile circumferential highway facility around the greater Houston metropolitan area. It would provide access to radial freeways and would serve as a third loop around the City of Houston. The Grand Parkway has been divided into 11 segments of independent utility. Currently, Segment D (US 59 S to IH 10 W) of the Grand Parkway is open to the traveling public. Segment D is 19 miles long and is located on the southwest side of the greater Houston metropolitan area. The remaining Segments A (SH 146 to IH 45 S), B (IH 45 S to SH 288), C (US 59 S to SH 288), E (IH 10 W to US 290), F1 (US 290 to SH 249), F2 (SH 249 to IH 45 N), G (IH 45 N to US 59 N), and I-2 (IH 10 E to SH 146) are in various stages of project development. Segments H and I-1 are planned as a four-lane, limited access, toll facility within a 400-foot wide right-of-way.

The Grand Parkway (SH 99) is a key element of the 2025 Regional Transportation Plan, a transportation program developed by the Houston-

Galveston Area Council. The project is proposed as a toll facility in the 2025 regional plan.

The EIS will include a preferred alternative alignment, number of lanes, roadway configuration, and operational characteristics of the proposed roadway. Alternatives to be studied include "no-action" (the no-build alternative), Transportation System Management (TSM)/Transportation Demand Management (TDM) alternative; mass transit alternative and roadway build alternatives. The EIS will evaluate potential impacts from construction and operation of the proposed roadway including, but not limited to, the following: transportation impacts (construction detours, construction traffic, mobility improvement and evacuation improvement), air, and noise impacts from construction equipment and operation of the facilities, water quality impacts from construction area and roadway storm water runoff, impacts to waters of the United States including wetlands from right-of-way encroachment, impacts to historic and archeological resources, impacts of floodplains, and impacts and/or potential displacements to residents and businesses.

Correspondence describing the proposed project and soliciting comments has been sent to appropriate Federal, state, regional, and local agencies, and to organizations and persons who have previously expressed an interest or are known to have an interest in this project.

TxDOT and the Grand Parkway Association will conduct a series of public scoping meetings in March 2006 held in two separate locations. The public scoping meetings will be conducted in an open house format with no formal presentation and both meetings will present the same information. At least 30 days and 10 days prior to the public scoping meetings, notices will be published in newspapers having general circulation in the project area. These will be the first in a series of meetings to solicit public comments on the proposed action as part of the National Environmental Policy Act (NEPA) process.

Persons who have special communication, access, or accommodation needs should contact TxDOT's public information office at (713) 802-5072 at least two working days prior to the meeting. TxDOT offices are open Monday-Friday, from 8 a.m. to 5 p.m., excluding national holidays. The public meetings will be conducted in English. Requests for language interpreters should also be

made at least two working days in advance of the meeting/hearing/workshop. TxDOT will make all reasonable efforts to accommodate these needs.

Public involvement will occur throughout the planning process. Public notice will be given stating the time and place of future public meetings and hearings. The Draft EIS will be available for public and agency review and comment prior to a public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding governmental consultation on federal programs and activities apply to this program.)

Gary N. Johnson,

Acting District Engineer, FHWA Texas Division.

[FR Doc. 06-1239 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### FTA Fiscal year 2006 Apportionments, Allocations and Program Information; Notice of Supplemental Information

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice supplements the notice concerning FTA Fiscal Year 2006 Apportionments, Allocations and Program Information, dated as of December 20, 2005, as changed and corrected by the FTA Fiscal Year 2006 Apportionments and Allocations Changes and Corrections; Announcement of States Selected for Participation in Section 5310 Pilot Program, dated as of February 3, 2006.

**FOR FURTHER INFORMATION CONTACT:**

David B. Horner, Esq., Chief Counsel, Office of the Chief Counsel, Federal Transit Administration, 400 Seventh Street, SW., Washington, DC 20590 or at (202) 366-4063 or by e-mail at [David.Horner@fta.dot.gov](mailto:David.Horner@fta.dot.gov).

**SUPPLEMENTARY INFORMATION:** Reference is made to the Appropriation for

"Capital and Debt Service Grants to the National Railroad Passenger Corporation" set forth in Division A of title I of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006 ("FY2006 Act"). Please be advised that pursuant to 49 U.S.C. 5334(a)(9), the Secretary of Transportation may include in an agreement or instrument entered into between the U.S. Department of Transportation and a recipient of funds under 49 U.S.C. 5301 *et seq.* (the "Federal Transit Law") a covenant or term the Secretary considers necessary to carry out the Federal Transit Law or the FY2006 Act, including, without limitation, a covenant or term governing payment for the capital portions of rail trackage rights or the enforcement of payments required by the FY2006 Act.

Dated: Issued on the 6th day of February, 2006.

Sandra K. Bushue,

Deputy Administrator.

[FR Doc. 06-1225 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-57-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2006 23744]

#### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel Bert's Boy.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006-23744 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have

an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**DATES:** Submit comments on or before March 13, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 23744. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel Bert's Boy is:

*Intended Use:* "Charter for recreational use of passengers, perhaps with or without a professional captain. The primary commercial venture will be located in Florida where the rentals occur in the winter."

*Geographic Region:* East Coast, primarily Florida, including the states of Georgia, South Carolina, North Carolina, Virginia, Delaware, New York, Connecticut, Ohio, Maryland, New Jersey, Rhode Island, Massachusetts, Maine, Pennsylvania, and New Hampshire.

Dated: February 6, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-1899 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-81-P

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket Number 2006 23743]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel Dream Catcher II.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006-23743 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**DATES:** Submit comments on or before March 13, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 23743. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel Dream Catcher II is:  
*Intended Use:* "OUPV sailing charters and personal use."

*Geographic Region:* RI, NY, NJ, CT, MD, DE, FL, SC, NC, VA.

Dated: February 6, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-1900 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-81-P

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket Number 2006 23746]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel Kittyhawk.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006-23746 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver

criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**DATES:** Submit comments on or before March 13, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 23746. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel Kittyhawk is:

*Intended Use:* "Carrying passengers for hire."

*Geographic Region:* Washington, Oregon, California.

Dated: February 6, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-1895 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-81-P

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket Number 2006 23745]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel Sylhouette.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief

description of the proposed service, is listed below. The complete application is given in DOT docket 2006-23745 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**DATES:** Submit comments on or before March 13, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 23745. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel Sylhouette is:

*Intended Use:* "Occasional pleasure cruises for up to six passengers."

*Geographic Region:* Waters off of Southern Florida.

Dated: February 6, 2006.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E6-1896 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2006-23667]

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** This notice solicits public comments on continuation of the requirements for the collection of information on safety standards. Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes a collection of information on the advanced air bag phase-in requirements of the Federal motor vehicle safety standard on occupant protection for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before April 11, 2006.

**ADDRESSES:** Comments must refer to the docket notice number cited at the beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Ms. Lori Summers, NHTSA 400 Seventh Street, SW., Room 5320, NVS-112, Washington, DC 20590. Ms. Summers' telephone number is (202) 366-4917. Please identify the relevant collection of information by referring to this Docket Number (Docket Number NHTSA-04-17997).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before a proposed collection of information is submitted to OMB for approval, Federal agencies must first publish a document in the *Federal Register* providing a 60-day comment

period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

*Title:* Part 585—Advanced Air Bag Phase-In Reporting Requirements.

*OMB Control Number:* 2127-0599.

*Form Number:* This collection of information uses no standard form.

*Requested Expiration Date of Approval:* Three years from the approval date.

*Type of Request:* Extension of a currently approved collection.

*Summary of the Collection of Information:* 49 U.S.C. 30111 authorizes the issuance of Federal motor vehicle safety standards (FMVSS) and regulations. The agency, in prescribing a FMVSS or regulation, considers available relevant motor vehicle safety data, and consults with other agencies, as it deems appropriate. Further, the statute mandates that in issuing any FMVSS or regulation, the agency considers whether the standard or regulation is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such a standard will contribute to carrying out the purpose of the Act. The Secretary is authorized to invoke such rules and regulations as deemed necessary to carry out these requirements. Using this authority, the agency issued FMVSS No. 208, "Occupant crash protection," to aid the agency in achieving many of its

safety goals. This notice requests comments on the extension of the phase-in reporting requirements of this FMVSS related to the implementation of advanced air bags. Phase 1 of the advanced air bag phase-in began September 1, 2003 with 100 percent compliance by September 1, 2005. Phase 2 of the advanced air bag phase-in begins September 1, 2006 with 100 percent compliance by September 1, 2009.

*Description of the Need for the Information and Proposed Use of the Information:* NHTSA needs this information to ensure that vehicle manufacturers are certifying their applicable vehicles as meeting the new advanced air bag requirements of FMVSS No. 208. NHTSA will use this information to determine whether a manufacturer has complied with the amended requirements during the phase-in period.

*Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Response to the Collection of Information):* NHTSA estimates that 21 vehicle manufacturers will submit the required information. For each report, the manufacturer will provide, in addition to its identity, several numerical items of information. The information includes, but is not limited to, the following items:

(a) Total number of vehicles manufactured for sale during the preceding production year,

(b) Total number of vehicles manufactured during the production year that meet the regulatory requirements, and

(c) Information identifying the vehicles (by make, model, and vehicle identification number (VIN)) that have been certified as complying with the requirements.

*Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information:* NHTSA estimates that it will annually take each of the 21 affected manufacturers an average of 61 hours to comply with these requirements. Using a cost estimate of \$35 per hour, this results in a total annual cost of \$44,835 (21 manufacturers × 61 hours per manufacturer × \$35 per hour).

**Authority:** 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued on: February 6, 2006.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*  
[FR Doc. E6-1818 Filed 2-9-06; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34762 (Sub-No. 1)]

#### CSX Transportation, Inc.—Temporary Trackage Rights Exemption—Alabama Great Southern Railroad Company

Alabama Great Southern Railroad Company (AGS), a subsidiary of Norfolk Southern Railway Company (the two entities will be referenced collectively as NSR) has agreed to grant temporary overhead trackage rights to CSX Transportation, Inc. (CSXT) over NSR lines running between Birmingham, AL, and Shrewsbury, LA, a total distance of approximately 355.1 miles.<sup>1</sup> Specifically, NSR has agreed to grant temporary overhead trackage rights over: (1) AGS South District between Birmingham, AL, 27th Street, milepost 142.0, and Meridian, MS, 27th Avenue, milepost 295.4; (2) NSR's trackage rights over the connection between AGS and KCSR near 27th Avenue in Meridian, MS, at milepost 295.4 and the connection between KCSR and AGS NO & NE District at milepost NO-0.4; (3) NO & NE District between Meridian, MS, 27th Avenue, milepost NO-0.4, and New Orleans, LA, Oliver Junction, milepost 194.1; and (4) New Orleans terminal Back Belt Line between New Orleans, LA, Oliver Junction, milepost 7.9 NT, and East City Junction at milepost 3.8 NT and between East City Junction at milepost 3.5 A and Shrewsbury, LA, IC Connection, milepost 0.0 A. The original trackage rights granted in *CSX Transportation, Inc.—Temporary Trackage Rights Exemption—Alabama Great Southern Railroad Company*, STB Finance Docket No. 34762 (STB served Oct. 7, 2005) covered the same lines. The purpose of this transaction is to extend the expiration date of the trackage rights to February 15, 2006.

The transaction was scheduled to be consummated on February 1, 2006. The extension will allow CSXT to continue providing continuous east-west overhead service between Jacksonville, FL, and New Orleans, LA, while it finishes repairing the damage caused by Hurricane Katrina to portions of its main line between Pascagoula, MS, and New Orleans.

As a condition to this exemption, any employees affected by the acquisition of

<sup>1</sup> An incidental portion of the rail line, consisting of four-tenths of a mile, is operated by NSR via a trackage rights agreement between AGS and The Kansas City Southern Railway Company (KCSR). KCSR has consented to the use of the KCSR segment for the purposes of this transaction.

the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34762 (Sub-No. 1), must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert Ledoux, Assistant General Counsel, CSX Transportation, Inc., 500 Water Street J-150, Jacksonville, FL 32202, and Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 6, 2006.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. E6-1888 Filed 2-9-06; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Surety Companies Acceptable on Federal Bonds: Amendment—West American Insurance Company

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 8 to the Treasury Department Circular 570, 2005 Revision, published July 1, 2005, at 70 FR 38502.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874-6779.

**SUPPLEMENTARY INFORMATION:** The underwriting limitation for West American Insurance Company, which was listed in the Treasury Department



Circular 570, published on July 1, 2005, is hereby amended to read \$22,593,000.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2005 Revision, at 70 FR 38544 to reflect this change, effective today.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512-1800. When ordering the Circular from GPO, use the following stock number: 769-004-05219-0.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: January 31, 2006.

Vivian L. Cooper,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 06-1229 Filed 2-9-06; 8:45 am]

BILLING CODE 4810-35-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Privacy Act of 1974, as Amended; System of Records

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of Proposed New Privacy Act System of Records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of Treasury, Internal Revenue Service, gives notice of a proposed new system of records entitled Volunteer Records.

**DATES:** Comments must be received no later than March 13, 2006. This new system of records will be effective March 22, 2006 unless the IRS receives comments which would result in a contrary determination.

**ADDRESSES:** Comments should be sent to the Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Comments will be made available for inspection and copying upon request in the Freedom of Information Reading Room (1621), at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Doris Gunkel, Tax Analyst,

W:CARE:SPEC, 602-207-8249, 210 E.

Earl Dr. MS 4779 PHX, Phoenix, AZ 85012.

**SUPPLEMENTARY INFORMATION:** A primary IRS goal is to increase our activities with individuals and organizations that provide free pre-filing tax assistance to taxpayers. Providing taxpayers increased assistance before returns are filed promotes the elimination of errors. Reduction of errors will increase taxpayer satisfaction and increase IRS efficiency. As part of an effort to obtain maximum value from limited resources, IRS will use the information in the proposed system to improve management of free tax assistance programs providing volunteer services. Information about Volunteer Return Preparation Program sites will enable the IRS to strategically place individuals and organizations to provide the widest variety of skills that taxpayers may need in a particular location.

The system will contain names, addresses, telephone numbers, e-mail addresses, qualifications, and levels of training of individual volunteers. Site reviews/evaluations, along with volunteer qualification and training, will be used to measure what makes a site successful. Records of guidance, assistance, and resources provided by IRS to individuals and organizations that volunteer their services to help taxpayers as a result of site reviews/evaluations will also be maintained. The proposed system of records will enable IRS to improve volunteer service to taxpayers.

The system will include records that are now covered by Treasury/IRS 10.007 SPEC Taxpayer Assistance Reporting System (STARS). Upon implementation of the new system, Treasury/IRS 10.007 will be deleted from IRS systems of records.

The report of a new system of records, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000.

The proposed new system of records entitled Volunteer Records is published in its entirety below.

Dated: February 3, 2006.

Sandra L. Pack,

Assistant Secretary for Management and Chief Financial Officer.

#### Treasury/IRS 10.555

**SYSTEM NAME:**

Volunteer Records—Treasury/IRS.

**SYSTEM LOCATION:**

Wage and Investment Division offices. See IRS Appendix A for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who provide administrative assistance to the Volunteer Income Tax Assistance and Tax Counseling for the Elderly programs and other IRS volunteer programs; individuals who serve as intermediaries between IRS and taxpayers, such as volunteer return preparers; individual volunteers who disseminate tax-related information; individuals who have an interest in promoting tax outreach and return preparation, including tax professionals and practitioners.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information on qualifications of individuals who volunteer in IRS-administered taxpayer assistance programs, including: names; addresses; phone numbers; electronic filing identification numbers (EFINs); available times to work; language skills; tax law skills; certification levels (CPA, Attorney, Enrolled Agent, etc.), and tax law training levels; ability to deliver products and services; contact information; availability for delivery of products and services; geographical coverage; resources; services provided; and inventory of software/hardware provided to the volunteer.

Similar information on individuals who serve as intermediaries and those who have interests in promoting tax outreach and return preparation. The system also contains information pertaining to reviews/evaluations of each site and other information about volunteer operations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**PURPOSE:**

The system will be used to administer the IRS volunteer programs, including determining assignments of IRS resources to various volunteer programs and making recommendations for training or other quality improvement measures.

IRS will also use the information in the proposed system to better manage volunteers and programs offering

volunteer services. Information about volunteer skills will enable the IRS to strategically place volunteers to provide the widest variety of skills that taxpayers may need in a particular location.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The records may be used as described below if the IRS deems that the purpose of the disclosure is compatible with the purpose for which IRS collected the records, and no privilege is asserted.

(1) Disclose information during a proceeding before a court, administrative tribunal, or other adjudicative body when: (a) The IRS or any component thereof; (b) any IRS employee in his or her official capacity; (c) any IRS employee in his or her personal capacity if the IRS or the Department of Justice (DOJ) has agreed to provide representation for the employee; or (d) the United States is a party to, has an interest in, or is likely to be affected by, the proceeding and the IRS or DOJ determines that the information is relevant and necessary to the proceeding. Information may be disclosed to the adjudicative body to resolve issues of relevancy, necessity, or privilege pertaining to the information.

(2) Disclose information to the Department of Justice (DOJ) when seeking legal advice or for use in any proceeding, or in preparation for any proceeding, when: (a) The IRS or any component thereof; (b) any IRS employee in his or her official capacity; (c) any IRS employee in his or her individual capacity if the IRS or DOJ has agreed to provide representation for the employee; or (d) the United States is a

party to, has an interest in, or is likely to be affected by, the proceeding and the IRS or DOJ determines that the records are relevant and necessary to the proceeding or advice sought.

(3) Disclose information to a contractor, including an expert witness or a consultant, hired by the IRS to the extent necessary for the performance of a contract.

(4) Disclose information to the news media as described in the IRS Policy Statement P-1-183, News Coverage to Advance Deterrent Value of Enforcement Activities Encouraged. IRM 1.2.1.2.41.

(5) To provide information to volunteers who coordinate activities and staffing at taxpayer assistance sites.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and electronic media.

**RETRIEVABILITY:**

By the name of the volunteer, individual intermediary, or individual who has interest in promoting tax outreach and return preparation. Records pertaining to electronic filing capabilities may also be retrieved by the EFIN (electronic filing identification number).

**SAFEGUARDS:**

Access controls are not less than those published in IRM 25.10, Information Technology (IT) Security Policy and Guidance and IRM 1.16, Physical Security Program.

**RETENTION AND DISPOSAL:**

Records are maintained in accordance with IRM 1.15, Records Management.

**SYSTEM MANAGER AND ADDRESS:**

Commissioner, Wage and Investment Division. See Appendix A for address.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in "Record Access Procedures" below.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the Disclosure Officer listed in appendix A serving the requester.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking to contest content of a record in this system of records may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B.

**RECORD SOURCE CATEGORIES:**

Treasury employees; Federal, State, or local agencies that sponsor free financial services in coordination with IRS; taxpayers who visit these sites; and individuals and organizations that provide free tax preparation and tax-related services to these taxpayers.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. E6-1813 Filed 2-9-06; 8:45 am]

BILLING CODE 4830-01-P



# Federal Register

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Friday,  
February 10, 2006

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## Part II

### Department of the Interior

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Fish and Wildlife Service

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50 CFR Part 17

Endangered and Threatened Wildlife and  
Plants: Designation of Critical Habitat for  
Four Vernal Pool Crustaceans and Eleven  
Vernal Pool Plants; Final Rule

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

50 CFR Part 17  
RIN 1018-AU06**Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants**

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

**ACTION:** Final rule; administrative revisions.

**SUMMARY:** We, the Fish and Wildlife Service (Service), designated approximately 858,846 acres (ac) (347,563 hectares (ha)) of critical habitat for 4 vernal pool crustaceans and 11 vernal pool plants in 34 counties in California and 1 county in southern Oregon in a final rule of August 11, 2005 (70 FR 46924). That rule designated critical habitat for the 15 vernal pool species collectively. Pursuant to that rule, we are now publishing species-specific unit descriptions and maps for the 15 species. This rule specifically identifies the critical habitat for each individual species identified in the August 11, 2005, final rule. Because many of the units for the different species overlap, the total critical habitat area we are designating is much less than the sum of the areas for each species. This rule is entirely an administrative action in that it places the species individually where they belong in 50 CFR part 17; it does not change the critical habitat designations for any of the species.

**DATES:** This rule is effective February 10, 2006.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of the August 11, 2005, final rule (70 FR 46924), are available for public inspection, by appointment, during normal business hours, at the Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, California 95825 (telephone (916) 414-6600). The August 11, 2005, final rule and draft economic analysis are available via the Internet at <http://www.fws.gov/sacramento/>.

**FOR FURTHER INFORMATION CONTACT:** Field Supervisor, Wayne White, Sacramento Fish and Wildlife Office, at the above address, (telephone (916) 414-6600; facsimile (916) 414-6712).

## SUPPLEMENTARY INFORMATION:

## Background

On August 11, 2005, we published in the *Federal Register* the final critical habitat designation for the 4 vernal pool crustaceans and 11 vernal pool plants described below (70 FR 46924). In this rule we are specifically identifying the critical habitat areas for each of the 4 vernal pool crustaceans and 11 vernal pool plants. We are also removing the collective designation from 50 CFR 17.97 and individually placing the crustaceans in § 17.95 and the plants in § 17.96.

The final designation of critical habitat for Conservancy fairy shrimp (*Branchinecta conservatio*) is 161,786 acres (ac) (65,473 hectares (ha)); longhorn fairy shrimp (*Branchinecta longiantenna*), 13,557 ac (5,486 ha); vernal pool fairy shrimp (*Branchinecta lynchi*), 597,821 ac (241,929 ha); and vernal pool tadpole shrimp (*Lepidurus packardii*), 228,785 ac (92,586 ha) (collectively referred to as "vernal pool crustaceans" in the remainder of this document), and Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*), 16,636 ac (6,732 ha); Contra Costa goldfields (*Lasthenia conjugens*), 14,730 ac (5,961 ha); Hoover's spurge (*Chamaesyce hooveri*), 114,713 ac (46,423 ha); fleshy owl's-clover (*Castilleja campestris* ssp. *succulenta*), 175,873 ac (71,173 ha); Colusa grass (*Neostapfia colusaña*), 152,093 ac (61,550 ha); Greene's tuctoria (*Tuctoria greenei*), 145,119 ac (58,727 ha); hairy Orcutt grass (*Orcuttia pilosa*), 79,608 ac (32,216 ha); Sacramento Orcutt grass (*Orcuttia viscida*), 33,273 ac (13,465 ha); San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), 136,312 ac (55,164 ha); slender Orcutt grass (*Orcuttia tenuis*), 94,213 ac (38,127 ha); and Solano grass (*Tuctoria mucronata*), 440 ac (178 ha) (collectively referred to as "vernal pool plants" in the remainder of this rule), pursuant to the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

In this rule, we discuss only those topics directly relevant to the publication of species-specific unit descriptions and maps. For more information on the 4 vernal pool crustaceans, 11 vernal pool plants, and the overall critical habitat designation, refer to the final critical habitat designation published in the *Federal Register* on August 11, 2005 (70 FR 46924).

## Previous Federal Actions

In January 2004, the Butte Environmental Council and several other organizations filed a complaint regarding the previous designation of critical habitat (August 6, 2003, 68 FR 46684). On October 29, 2004, the court agreed with a settlement agreement and ordered a finalization of critical habitat by July 31, 2005 (*Butte Environmental Council et al. v. Norton, et al., Case No. CIV S-04-0096 WBS KJM (E.D. Cal.)*). In order to comply with the court order and meet the established deadlines for finalizing the critical habitat for the 15 vernal pool species, we finalized a designation that contained a table listing subunits and the associated species found within the final critical habitat designation for the 15 vernal pool species. However, we did not identify associated area for each species or produce species-specific maps. The final rule designating critical habitat for the 4 vernal pool crustaceans and 11 vernal pool plants was subsequently published in the *Federal Register* on August 11, 2005 (70 FR 46926). To expedite the designation process, the August 11, 2005, rule contained maps that combined the critical habitat for the 15 vernal pool species.

For more information on previous Federal actions concerning the 15 vernal pool species identified in this rule, refer to the previous proposed and final critical habitat rules published in the *Federal Register* on September 24, 2002 (67 FR 59884), March 8, 2005 (70 FR 11140), and August 11, 2005 (70 FR 46926), respectively.

## Critical Habitat Designation

We designated 111 units as critical habitat for the 15 vernal pool species. Many of the critical habitat units for the 15 vernal pool species overlap. The critical habitat areas designated for these species constitute our best assessment at this time of areas determined to be occupied at the time of listing, contain the primary constituent elements (PCEs) essential to the conservation of the vernal pool species that may require special management or protection, and those additional areas found to be essential to the conservation of the 4 vernal pool crustaceans and 11 vernal pool plants.

Table 1 identifies the approximate area designated as critical habitat for the vernal pool crustaceans and vernal pool plants by land ownership.

TABLE 1.—APPROXIMATE AREAS OF FINAL CRITICAL HABITAT FOR THE VERNAL POOL CRUSTACEANS AND PLANTS IN CALIFORNIA AND OREGON

Critical habitat units	Federal		State		Local/private		Total	
	acres	hectares	acres	hectares	acres	hectares	acres	hectares
<b>Conservancy Fairy Shrimp</b>								
1A-E .....	0	0	0	0	4,347	1,759	4,347	1,759
2 .....	0	0	0	0	0	0	0	0
3 .....	0	0	0	0	4,414	1,786	4,414	1,786
4 .....	0	0	0	0	0	0	0	0
5 .....	0	0	0	0	746	302	746	302
6 .....	0	0	0	0	86,078	34,834	86,078	34,834
7A-F .....	0	0	0	0	19,671	7,960	19,671	7,960
8 .....	0	0	0	0	46,531	18,830	46,531	18,830
Species Total .....	0	0	0	0	161,786	65,473	161,786	65,473
<b>Longhorn Fairy Shrimp</b>								
1A-B .....	0	0	0	0	791	320	791	320
2 .....	0	0	0	0	3,165	1,281	3,165	1,281
3 .....	0	0	0	0	9,601	3,886	9,601	3,886
Species Total .....	0	0	0	0	13,557	5,486	13,557	5,486
<b>Vernal Pool Fairy Shrimp</b>								
1A-G .....	0	0	0	0	2,130	862	2,130	862
2A-E .....	0	0	0	0	2,251	911	2,251	911
3A-C .....	0	0	0	0	2,301	931	2,301	931
4A-B .....	432	175	0	0	460	186	892	361
5 .....	41	17	0	0	4,297	1,739	4,338	1,756
6 .....	0	0	0	0	39,173	15,853	39,173	15,853
7A-F .....	0	0	0	0	8,393	3,397	8,393	3,397
8 .....	0	0	0	0	12,677	5,130	12,677	5,130
9 .....	0	0	0	0	433	175	433	175
10 .....	0	0	0	0	0	0	0	0
11 .....	0	0	0	0	1,324	536	1,324	536
12 .....	0	0	0	0	2,580	1,044	2,580	1,044
13 .....	0	0	0	0	2,450	992	2,450	992
14 .....	0	0	0	0	37,093	15,011	37,093	15,011
15 .....	0	0	0	0	0	0	0	0
16 .....	88	36	0	0	12,488	5,054	12,576	5,090
17 .....	0	0	0	0	655	265	655	265
18 .....	0	0	0	0	14,181	5,739	14,181	5,739
19A-C .....	0	0	108	44	7,784	3,150	7,892	3,194
20 .....	0	0	0	0	746	302	746	302
21A-C .....	17	7	41	17	48,582	19,661	48,640	19,685
22 .....	8	3	0	0	69,131	27,976	69,139	27,979
23A-K .....	10	4	0	0	28,530	11,546	28,540	11,550
24A-B .....	20	8	0	0	28,930	11,708	28,950	11,716
25 .....	161	65	0	0	2,295	929	2,456	994
26A-F .....	0	0	0	0	6,688	2,707	6,688	2,707
27A-D .....	3,366	1,362	0	0	12,099	4,896	15,465	6,258
28 .....	3,906	1,581	5	2	115,004	46,540	118,914	48,123
29A-H .....	22	9	0	0	50,034	20,248	50,055	20,257
30 .....	0	0	0	0	9,601	3,886	9,601	3,886
31 .....	5,527	2,237	0	0	15,228	6,162	20,754	8,399
32 .....	44,580	18,041	0	0	1,951	789	46,531	18,830
33 .....	0	0	0	0	0	0	0	0
34 .....	0	0	0	0	0	0	0	0
35 .....	0	0	0	0	0	0	0	0
Species Total .....	58,177	23,544	154	63	539,490	218,322	597,821	241,929
<b>Vernal Pool Tadpole Shrimp</b>								
1 .....	42	17	0	0	4,297	1,739	4,338	1,755
2 .....	15,347	6,211	18	7	32,749	13,253	48,114	19,471
3 .....	0	0	0	0	8,393	3,397	8,393	3,397
4 .....	0	0	0	0	17,652	7,143	17,652	7,143
5 .....	0	0	0	0	0	0	0	0
6 .....	0	0	0	0	980	397	980	397
7 .....	0	0	0	0	1,324	536	1,324	536

TABLE 1.—APPROXIMATE AREAS OF FINAL CRITICAL HABITAT FOR THE VERNAL POOL CRUSTACEANS AND PLANTS IN CALIFORNIA AND OREGON—Continued

Critical habitat units	Federal		State		Local/private		Total	
	acres	hectares	acres	hectares	acres	hectares	acres	hectares
8 .....	0	0	0	0	2,450	992	2,450	992
9 .....	0	0	0	0	37,093	15,011	37,093	15,011
10 .....	310	125	0	0	130	53	440	178
11 .....	88	36	0	0	12,483	5,052	12,571	5,087
12 .....	0	0	0	0	0	0	0	0
13 .....	0	0	0	0	4,700	1,902	4,700	1,902
14 .....	0	0	0	0	92	37	92	37
15 .....	0	0	0	0	53,607	21,694	53,607	21,694
16 .....	0	0	0	0	28,540	11,546	28,540	11,546
17 .....	209	85	0	0	1,592	644	1,802	729
18 .....	0	0	0	0	6,688	2,707	6,688	2,707
Species Total .....	15,996	6,473	18	7	212,770	86,105	228,785	92,586
<b>Butte County Meadowfoam</b>								
1 .....	0	0	0	0	1,962	794	1,962	794
2 .....	0	0	0	0	4,059	1,642	4,059	1,642
3 .....	0	0	0	0	1,454	589	1,454	589
4 .....	0	0	0	0	9,161	3,707	9,161	3,707
Species Total .....	0	0	0	0	16,636	6,732	16,636	6,732
<b>Contra Costa Goldfields</b>								
1 .....	0	0	0	0	2,637	1,067	2,637	1,067
2 .....	0	0	0	0	1,106	411	1,106	411
3 .....	0	0	0	0	534	216	534	216
4A-C .....	0	0	0	0	5,929	2,399	5,929	2,399
5A-B .....	0	0	0	0	839	339	839	339
6 .....	0	0	0	0	398	161	398	161
7 .....	0	0	0	0	3,286	1,330	3,286	1,330
8 .....	0	0	0	0	92	37	92	37
9 .....	0	0	0	0	0	0	0	0
Species Total .....	0	0	0	0	14,730	5,961	14,730	5,961
<b>Hoover's Spurge</b>								
1 .....	0	0	0	0	2,838	1,149	2,838	1,149
2 .....	0	0	0	0	8	3	8	3
3 .....	0	0	0	0	0	0	0	0
4 .....	0	0	0	0	37,595	15,214	37,595	15,214
5A-C .....	0	0	41	17	35,092	14,201	35,133	14,218
6A-E .....	0	0	0	0	16,505	6,679	16,505	6,679
7A-E .....	0	0	0	0	22,634	9,160	22,634	9,160
Species Total .....	0	0	41	17	114,672	46,406	114,713	46,423
<b>Fleshy Owl's Clover</b>								
1 .....	0	0	0	0	2,442	980	1,051	2,598
2A-B .....	0	0	0	0	31,875	12,899	14,131	34,917
3A-B .....	0	0	0	0	85,197	34,478	63,353	156,542
4A-C .....	0	0	0	0	38,041	15,395	33,071	81,717
5A-B .....	0	0	0	0	14,081	5,698	11,888	29,375
6A-B .....	370	150	0	0	3,888	1,573	4,258	1,723
Species Total .....	370	150	0	0	175,503	71,023	175,873	71,173
<b>Colusa Grass</b>								
1 .....	310	126	0	0	130	52	440	178
2 .....	0	0	0	0	0	0	0	0
3 .....	0	0	0	0	0	0	0	0
4A-E .....	0	0	0	0	48,838	19,764	48,838	19,764
5A-E .....	0	0	42	17	35,091	14,201	35,133	14,218
6 .....	0	0	0	0	54,119	21,901	54,119	21,901
7A-F .....	0	0	0	0	13,564	5,489	13,564	5,489

TABLE 1.—APPROXIMATE AREAS OF FINAL CRITICAL HABITAT FOR THE VERNAL POOL CRUSTACEANS AND PLANTS IN CALIFORNIA AND OREGON—Continued

Critical habitat units	Federal		State		Local/private		Total	
	acres	hectares	acres	hectares	acres	hectares	acres	hectares
Species Total .....	310	126	42	17	151,741	61,407	152,093	61,550
<b>Greene's Tuctoria</b>								
1 .....	0	0	0	0	1,703	689	1,703	689
2 .....	0	0	0	0	2,838	1,149	2,838	1,149
3 .....	0	0	0	0	8	3	8	3
4 .....	0	0	0	0	0	0	0	0
5 .....	0	0	0	0	0	0	0	0
6A-E .....	0	0	0	0	50,808	20,561	50,808	20,561
7 .....	0	0	0	0	86,636	35,060	86,636	35,060
8A-C .....	0	0	0	0	3,127	1,265	3,127	1,265
Species Total .....	0	0	0	0	145,118	58,727	145,118	58,727
<b>Hairy Orcutt Grass</b>								
1 .....	0	0	0	0	2,087	845	2,087	845
2 .....	0	0	0	0	8	3	8	3
3 .....	0	0	0	0	0	0	0	0
4 .....	17	7	42	17	48,582	19,660	48,641	19,684
5 .....	0	0	0	0	1,839	744	1,839	744
6 .....	0	0	0	0	27,033	10,940	27,033	10,940
Species Total .....	17	7	42	17	79,549	32,192	79,608	32,216
<b>Sacramento Orcutt Grass</b>								
1 .....	0	0	0	0	26	11	26	11
2 .....	0	0	0	0	1,161	470	1,161	470
3 .....	0	0	0	0	32,086	12,985	32,086	12,985
Species Total .....	0	0	0	0	33,273	13,465	33,273	13,465
<b>San Joaquin Valley Orcutt Grass</b>								
1 .....	8	3	0	0	54,116	21,900	54,124	21,903
2 .....	0	0	0	0	32,008	12,953	32,008	12,953
3A-C .....	0	0	0	0	30,713	12,429	30,713	12,429
4 .....	0	0	0	0	476	193	476	193
5A-B .....	370	150	0	0	3,888	1,573	4,258	1,723
6A-D .....	0	0	0	0	14,734	5,962	14,734	5,962
Species Total .....	378	153	0	0	135,934	55,011	136,312	55,164
<b>Slender Orcutt Grass</b>								
1A-K .....	22,987	9,303	0	0	4,192	1,697	27,180	10,999
2A-D .....	81	33	0	0	10,698	4,330	10,780	4,362
3A-B .....	15,384	6,211	0	0	32,767	13,260	48,114	19,471
4 .....	0	0	0	0	2,838	1,149	2,838	1,149
5A-B .....	0	0	0	0	4,141	1,676	4,141	1,676
6 .....	0	0	0	0	1,161	470	1,161	470
Species Total .....	38,416	15,546	0	0	55,797	22,580	94,213	38,127
<b>Solano Grass</b>								
1 .....	310	125	0	0	130	53	440	178
2 .....	0	0	0	0	0	0	0	0
Species Total .....	310	125	0	0	130	53	440	178

Brief descriptions of the critical habitat units for each of the 4 vernal pool crustaceans and 11 vernal pool plants, and reasons why they meet the

definition of critical habitat, are available on the Sacramento Fish and Wildlife Office internet site at <http://www.fws.gov/sacramento> or available by

contacting the office directly (refer to ADDRESSES).

**Required Determinations and Effective Date**

We considered the statutes and Executive orders that govern the rulemaking process in the final rule of August 11, 2005 (70 FR 46924), and our analyses and determinations for that rule stand for this rule as well. This rule is an administrative action. It separates a collective critical habitat designation into 15 separate species-specific designations and assigns these designations to the appropriate sections of the CFR.

Because this action is merely administrative, we find good cause under 5 U.S.C. 553(b)(3)(B) to publish this rule without prior opportunity for public comment. We solicited and considered public comment on the August 11, 2005, final rule, and this rule does not alter the designations set forth in that rule. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule final upon publication. This rule does not change any regulatory

requirement placed upon the public but merely provides additional precision regarding the information in the CFR regarding designated critical habitat for these species. Therefore, this is not a substantive rule, and we see no reason to delay the effective date for 30 days.

**References Cited**

A complete list of all references cited in the August 11, 2005, final rule (70 FR 46924) and this administrative revision is available upon request from the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service (see ADDRESSES section).

**Author(s)**

Primary authors of this package are the staff of the Sacramento Fish and Wildlife Office.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and Recordkeeping requirements, Transportation.

**Regulation Promulgation**

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—[AMENDED]**

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.11(h) by revising the entries for “Fairy shrimp, Conservancy”, “Fairy shrimp, longhorn”, “Fairy shrimp, vernal pool”, and “Tadpole shrimp, vernal pool” under CRUSTACEANS in the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
CRUSTACEANS							
Fairy shrimp, Conservancy,	<i>Branchinecta conservatio</i>	U.S.A. (CA)	Entire .....	E	552	17.95(h)	NA
Fairy shrimp, longhorn .....	<i>Branchinecta longiantenna</i>	U.S.A. (CA)	Entire .....	E	552	17.95(h)	NA
Fairy shrimp, vernal pool	<i>Branchinecta lynchi</i> .....	U.S.A. (CA, OR)	Entire .....	E	552	17.95(h)	NA
Tadpole shrimp, vernal pool.	<i>Lepidurus packardii</i> .....	U.S.A. (CA)	Entire .....	E	552	17.95(h)	NA

■ 3. Amend § 17.12(h) by revising the entries for *Castilleja campestris* ssp. *succulenta* (fleshy owl's-clover), *Chamaesyce hooveri* (Hoover's spurge), *Lasthenia conjugens* (Contra Costa goldfields), *Limnanthes floccosa* ssp. *californica* (Butte County meadowfoam),

*Neostapfia colusana* (Colusa grass), *Orcuttia inaequalis* (San Joaquin Valley Orcutt grass), *Orcuttia pilosa* (hairy Orcutt grass), *Orcuttia tenuis* (slender Orcutt grass), *Orcuttia viscida* (Sacramento Orcutt grass), *Tuctoria greenei* (Greene's tuctoria), and *Tuctoria*

*mucronata* (Solano grass) under FLOWERING PLANTS in the List of Endangered and Threatened Plants to read as follows:

**§ 17.12 Endangered and threatened plants.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
<i>Castilleja campestris</i> ssp. <i>succulenta</i> .	Fleshy owl's-clover .....	U.S.A. (CA)	Scrophulariaceae.	T .....	611	17.96(a)	NA



Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
<i>Chamaesyce hooveri</i>	Hoover's spurge	U.S.A. (CA)	Euphorbiaceae.	T	611	17.96(a)	NA
<i>Lasthenia conjugens</i>	Contra Costa goldfields	U.S.A. (CA)	Asteraceae	E	619	17.96(a)	NA
<i>Limnanthes floccosa</i> ssp. <i>californica</i> .	Butte County meadowfoam.	U.S.A. (CA)	Limnanthaceae.	E	471	17.96(a)	NA
<i>Neostapfia colusana</i>	Colusa grass	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Orcuttia inaequalis</i>	San Joaquin Valley Orcutt grass.	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Orcuttia pilosa</i>	Hairy Orcutt grass	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Orcuttia tenuis</i>	Slender Orcutt grass	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Orcuttia viscida</i>	Sacramento Orcutt grass	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Tuctoria greenei</i>	Greene's tuctoria	U.S.A. (CA)	Poaceae	T	611	17.96(a)	NA
<i>Tuctoria mucronata</i>	Solano grass	U.S.A. (CA)	Poaceae	T	44	17.96(a)	NA

■ 4. In § 17.95 add critical habitat for Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardii*) under paragraph (h) in the same alphabetical order as this species occurs in § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

\* \* \* \* \*

(h) Crustaceans.

\* \* \* \* \*

Conservancy fairy shrimp (*Branchinecta conservatio*).

(1) Critical habitat units are depicted for Butte, Colusa, Mariposa, Merced, Solano, Stanislaus, Tehama, and Ventura Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for Conservancy fairy shrimp (*Branchinecta conservatio*) are the habitat components that provide:

(i) Topographic features characterized by mounds and swales and depressions within a matrix of surrounding uplands that result in complexes of continuously, or intermittently, flowing surface water in the swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become

inundated during winter rains and that continuously hold water for a minimum of 19 days, in all but the driest years; thereby providing adequate water for incubation, maturation, and reproduction. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

(iii) Sources of food, expected to be detritus occurring in the pools, contributed by overland flow from the pools' watershed, or the results of biological processes within the pools themselves, such as single-celled bacteria, algae, and dead organic matter, to provide for feeding; and

(iv) Structure within the pools described above in paragraph (2)(ii), consisting of organic and inorganic materials, such as living and dead plants from plant species adapted to seasonally inundated environments, rocks, and other inorganic debris that may be washed, blown, or otherwise transported into the pools, that provide shelter.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/

or primary constituent elements in adjacent critical habitat.

(4) Unit 1 Tehama County, California.

(i) Unit 1A: Tehama County, California. From USGS 1:24,000 topographic quadrangles Richardson Springs, and Acorn Hollow. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 588739, 4429822; 588900, 4429500; 589500, 4429500; 589500, 4428600; 589500, 4428000; 589800, 4427100; 590500, 4426400; 590500, 4425300; 591200, 4424400; 591500, 4423300; 591562, 4422558; 590526, 4423686; 589986, 4424273; 589816, 4424458; 589129, 4425207; 588454, 4426221; 588425, 4426265; 588279, 4426485; 588213, 4426583; 588213, 4426584; 588600, 4429100; 588733, 4429833; returning to 588739, 4429822.

(ii) Unit 1B: Tehama County, California. From USGS 1:24,000 topographic quadrangle Richardson Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 593700, 4420900; 593164, 4420815; 592329, 4421723; 592258, 4421800; 593000, 4421800; 593100, 4421500; 593500, 4421400; returning to 593700, 4420900.

(iii) Unit 1C: Tehama County, California. From USGS 1:24,000 topographic quadrangle Richardson Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 594500, 4420300; 593881, 4420035; 593371, 4420590;

594000, 4420800; 594400, 4420600:  
returning to 594500, 4420300.

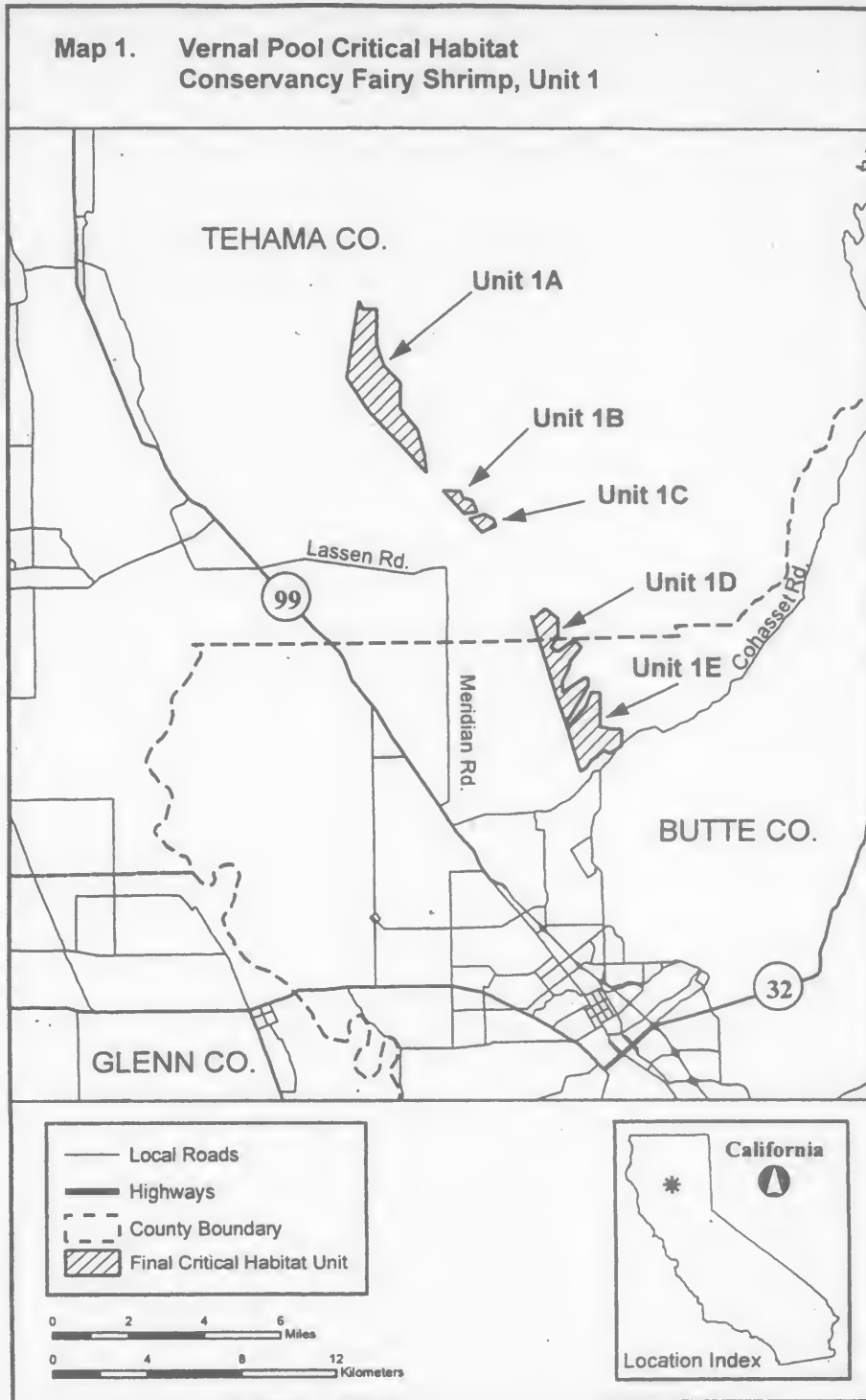
(iv) Unit 1D: Tehama County, and  
Butte County, California. From USGS  
1:24,000 topographic quadrangles  
Richardson Springs NW, Campbell  
Mound, Richardson Springs. Land  
bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 597100,  
4416400; 597100, 4415600; 597044,  
4415525; 596800, 4415200; 597100,  
4415000; 597800, 4415500; 598100,  
4415200; 597600, 4414600; 597600,  
4414400; 597300, 4413800; 597300,  
4413300; 598200, 4413900; 598400,  
4413900; 598400, 4413600; 597422,

4411938; 597281, 4412382; 596959,  
4413403; 596640, 4414416; 596620,  
4414481; 596305, 4415484; 596303,  
4415489; 596130, 4416040; 596091,  
4416160; 596028, 4416358; 596011,  
4416411; 595993, 4416465; 595982,  
4416500; 596000, 4416500; 596100,  
4416400; 596200, 4416500; 596300,  
4416600; 596400, 4416700; 596500,  
4416700; 596500, 4416800; 596600,  
4416800; returning to 597100, 4416400.

(v) Unit 1E: Butte County, California.  
From USGS 1:24,000 topographic  
quadrangles Richardson Springs. Land  
bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 598900,

4411800; 599400, 4411700; 599800,  
4411700; 599800, 4411000; 599300,  
4410700; 599100, 4410800; 599000,  
4410800; 598800, 4410600; 598500,  
4410400; 598300, 4410100; 598100,  
4410000; 598070, 4409970; 598051,  
4409993; 598038, 4410010; 598014,  
4410083; 597806, 4410737; 597725,  
4410990; 597461, 4411816; 597434,  
4411900; 597600, 4411900; 598300,  
4412700; 598500, 4413300; 598900,  
4413300; returning to 598900, 4411800.

(vi) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(5) Unit 3: Solano County, California.  
From USGS 1:24,000 topographic  
quadrangles Elmira, and Denverton.

Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
594915, 4234098; 594916, 4233314;  
595044, 4233310; 595068, 4233296;

595131, 4233266; 595174, 4233226;  
595189, 4233210; 595239, 4233151;  
595322, 4232978; 595423, 4232778;  
595483, 4232667; 595553, 4232524;

595699, 4232243; 595966, 4231717;  
594927, 4231710; 594445, 4231707;  
594409, 4231673; 594410, 4231616;  
594434, 4231540; 594474, 4231494;  
594495, 4231457; 594497, 4231414;  
594510, 4231370; 594543, 4231356;  
594575, 4231342; 594603, 4231341;  
594614, 4231338; 594616, 4231325;  
594618, 4231311; 594614, 4231290;  
594605, 4231284; 594583, 4231275;  
594573, 4231268; 594557, 4231245;  
594550, 4231209; 594543, 4231179;  
594500, 4231200; 593800, 4231200;

593600, 4230500; 593291, 4230515;  
593291, 4230514; 589300, 4230700;  
589179, 4230901; 589179, 4230901;  
589240, 4230894; 589274, 4230890;  
589315, 4230894; 589321, 4230909;  
589313, 4231179; 589015, 4231215;  
589100, 4231300; 589100, 4231700;  
588900, 4232300; 588900, 4233000;  
589983, 4233500; 590000, 4233500;  
590100, 4233500; 590100, 4233300;  
590600, 4233300; 591100, 4232800;  
591138, 4232825; 591143, 4232820;  
591184, 4232856; 591700, 4233200;

592513, 4233290; 592594, 4233291;  
592594, 4233299; 592600, 4233300;  
592600, 4233800; 592900, 4233700;  
592900, 4233751; 592901, 4233751;  
592900, 4233754; 592900, 4233800;  
593400, 4234100; 594200, 4234100;  
594300, 4234900; 594500, 4234900;  
594890, 4235396; returning to 594915,  
4234098.

(6) Note: Unit 3 (Map 2) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(7) Unit 5: Stanislaus County, California. From USGS 1:24,000 topographic quadrangle Ripon. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 662400, 4168300; 661600, 4168000; 661600, 4168300; 660300, 4167800; 660600,

4167500; 660800, 4167200; 660000, 4167200; 659500, 4168800; 661600, 4168800; 661600, 4169400; 662400, 4169400; returning to 662400, 4168300.

(8) Note: Unit 5 (Map 3) follows:  
BILLING CODE 4310-55-P



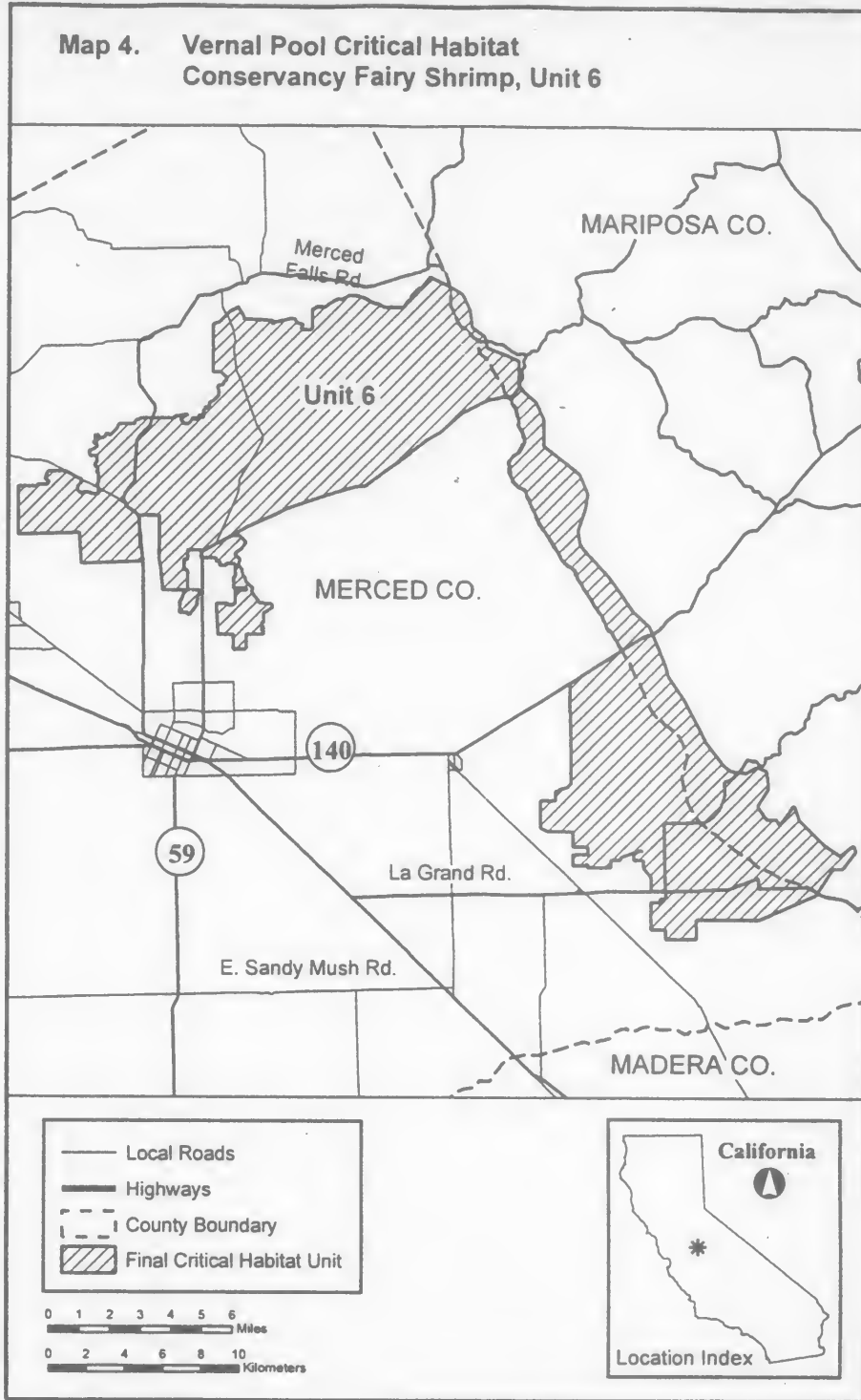
(9) Unit 6: Merced County, and Mariposa County, California. From USGS 1:24,000 topographic quadrangles Snelling, Merced Falls, Winton, Yosemite Lake, Haystack Mtn. Indian Gulch, Merced, Planada, Owens Reservoir, Illinois Hill, Plainsburg, Le Grand, and Raynor Creek. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 747003, 4125902; 747142, 4125971; 747303, 4125987; 747358, 4126000; 747200, 4126000; 747142, 4125971; 747123, 4125969; 747070, 4125950; 747003, 4125902; 747000, 4125900; 746900, 4125900; 746600, 4125800; 746300, 4125700; 746200, 4125600; 746200, 4125500; 745700, 4125500; 744500, 4125500; 744500, 4125300; 744400, 4125300; 744400, 4125200; 743700, 4125200; 743700, 4125800; 744500, 4125800; 744500, 4126200; 743700, 4126200; 743700, 4127000; 743600, 4127000; 742700, 4127000; 742400, 4127000; 742000, 4127200; 742000, 4128600; 742800, 4128600; 742800, 4129100; 742900, 4129100; 743000, 4129100; 743000, 4129200; 743400, 4129300; 743600, 4129500; 743600, 4130284; 743605, 4130284; 743600, 4130493; 743600, 4130700; 743595, 4130700; 743561, 4132097; 743560, 4132170; 743556, 4132335; 743549, 4132692; 743537, 4133202; 743529, 4133301; 743531, 4133352; 743530, 4133400; 743523, 4133729; 743518, 4134016; 743515, 4134159; 743509, 4134382; 743500, 4134708; 743504, 4134743; 743565, 4134782; 744447, 4135329; 746234, 4136439; 746230, 4136445; 745985, 4136865; 745952, 4136931; 745915, 4136978; 745914, 4136987; 745902, 4137008; 745748, 4137298; 745669, 4137403; 745620, 4137437; 745503, 4137487; 745203, 4138201; 744984, 4138471; 744895, 4138606; 744895, 4138606; 744830, 4138711; 744596, 4139085; 744234, 4139637; 744233, 4139645; 744162, 4139744; 744162, 4139744; 744013, 4140002; 744013, 4140002; 743998, 4140029; 743996, 4140030; 743973, 4140072; 743907, 4140195; 743889, 4140229; 743877, 4140264; 743750, 4140609; 743388, 4140868; 743091, 4141131; 743053, 4141165; 742997, 4141268; 742771, 4141692; 742748, 4141734; 742355, 4142343; 742336, 4142368; 742271, 4142457; 742238, 4142503; 742139, 4142637; 742056, 4142749; 742002, 4142823; 741974, 4142874; 741808, 4143176; 741722, 4143360; 741419, 4144010; 741385, 4144081; 741316, 4144328; 741297, 4144395; 741245, 4144456; 741194, 4144530; 741162, 4144608; 741076, 4144820; 740864, 4144897; 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 4125818; 746971, 4125871; 746997,  
 4125897; returning to 747003, 4125902.

(10) Note: Unit 6 (Map 4) follows:

BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(11) Unit 7: Merced County, California.

(i) Unit 7A: Merced County, California. From USGS 1:24,000 topographic quadrangles Gustine, Stevinson, San Luis Ranch. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 688300, 4129000; 688600, 4128800; 689100, 4128900; 689200, 4128800; 689400,

4128600; 689800, 4128500; 689900, 4128300; 690200, 4128300; 690400, 4128200; 690500, 4128000; 690600, 4125500; 692700, 4125500; 693200, 4125000; 693100, 4124800; 693100, 4124400; 693300, 4123700; 693600, 4123400; 693800, 4123000; 694000, 4122900; 694079, 4122821; 694035, 4122790; 692453, 4121671; 692300, 4121900; 692200, 4122000; 692200, 4122500; 692100, 4122700; 691800, 4122800; 691400, 4122800; 691261, 4123079; 691262, 4123097; 691263, 4123113; 691267, 4123155; 691273, 4123198; 691267, 4123238; 691248, 4123272; 691217, 4123291; 691200, 4123294; 691200, 4123500; 691110, 4123679; 691126, 4123677; 691149, 4123682; 691156, 4123694; 691166, 4123718; 691177, 4123739; 691191, 4123771; 691193, 4123793; 691200, 4123800; 691195, 4123810; 691201, 4123850; 691215, 4123892; 691220, 4123942; 691214, 4123980; 691192, 4124020; 691171, 4124049; 691150, 4124072; 691127, 4124089; 691099, 4124095; 691071, 4124095; 691055, 4124090; 690900, 4124400; 690559, 4124400; 690559, 4124402; 690569, 4124417; 690582, 4124427; 690582, 4124447; 690576, 4124466; 690563, 4124483; 690546, 4124493; 690525, 4124502; 690523, 4124502; 690523, 4124519; 690500, 4124524; 690475, 4124530; 690469, 4124538; 690445, 4124570; 690388, 4124590; 690353, 4124592; 690180, 4124650; 690127, 4124689; 690083, 4124695; 690025, 4124783; 690020, 4124854; 689996, 4124900; 689988, 4125006; 689952, 4125056; 689912, 4125095; 689856, 4125119; 689819, 4125184; 689788, 4125210; 689747, 4125229; 689700, 4125300; 689658, 4125595; 689665, 4125595; 689672, 4125603; 689645, 4125757; 689630, 4125793; 689600, 4126000; 689700, 4126200; 689600, 4126600; 689400, 4126600; 689275, 4126538; 689239, 4126581; 689188, 4126664; 689134, 4126678; 689121, 4126682; 689069, 4126728; 689067, 4126852; 689020, 4126961; 688990, 4126993; 688911, 4126978; 688903, 4126995; 688913, 4127006; 689100, 4127100; 689024, 4127195; 689025, 4127207; 688949, 4127292; 688931, 4127324; 688922, 4127322; 688854, 4127407; 688823, 4127454; 688780, 4127503; 688735, 4127581; 688723, 4127621; 688696, 4127650; 688684, 4128244; 688193, 4128235; 688100, 4128700; returning to 688300, 4129000.

(ii) Unit 7B: Merced County, California. From USGS 1:24,000 topographic quadrangles Stevinson, San Luis Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 695400, 4125600;

695500, 4122000; 694900, 4122400; 694700, 4122700; 694500, 4122900; 694500, 4123100; 694100, 4123400; 693800, 4123500; 693800, 4123800; 693500, 4123900; 693500, 4124500; 693700, 4124700; 693800, 4125000; 693600, 4125200; 693400, 4125300; 693122, 4125670; 693100, 4125700; 693146, 4125746; 693200, 4125800; 693700, 4125900; 693700, 4127300; 693800, 4127300; 693900, 4127000; 694200, 4126900; 694600, 4126400; 694600, 4126200; 694700, 4126000; 695179, 4125726; returning to 695400, 4125600.

(iii) Unit 7C: Merced County, California. From USGS 1:24,000 topographic quadrangles Stevinson, Arena, San Luis Ranch, Turner Ranch: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 699300, 4126300; 699300, 4125400; 700100, 4125400; 700200, 4126000; 700600, 4125700; 701100, 4125300; 701100, 4124300; 700300, 4124300; 700300, 4123800; 700500, 4123800; 700600, 4123500; 701100, 4123400; 701200, 4123200; 701400, 4123100; 701600, 4122700; 701900, 4122500; 702600, 4122200; 702870, 4121705; 703200, 4121100; 703900, 4120500; 704600, 4119800; 704600, 4119800; 704700, 4119700; 698900, 4119600; 698800, 4119700; 698543, 4119957; 698558, 4119970; 698501, 4120012; 698504, 4120069; 698626, 4120197; 698662, 4120077; 698694, 4120113; 698668, 4121116; 698663, 4121510; 698594, 4121508; 698600, 4121600; 699900, 4121600; 700000, 4120400; 700200, 4120400; 700200, 4122700; 697000, 4122600; 696900, 4125100; 697700, 4125100; 697700, 4125300; 697600, 4125400; 697700, 4125600; 698000, 4125700; 698200, 4125800; 698300, 4126100; 698700, 4126500; 699500, 4126500; 699600, 4126300; returning to 699300, 4126300.

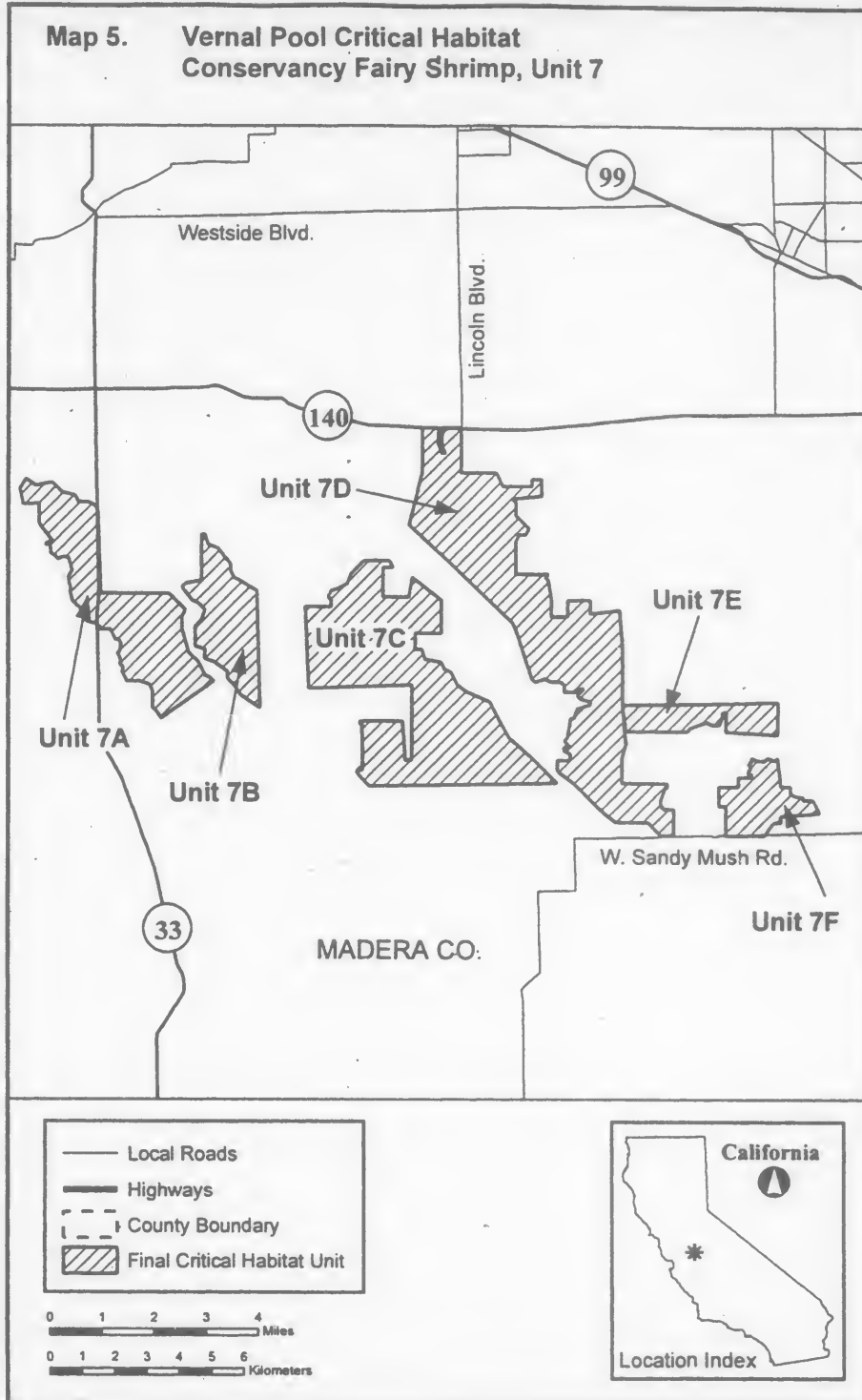
(iv) Unit 7D: Merced County, California. From USGS 1:24,000 scale quadrangles Arena, Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 706800, 4120900; 706700, 4120500; 706700, 4119700; 708100, 4119700; 708100, 4119600; 708000, 4119500; 707900, 4119200; 707900, 4119000; 708000, 4118900; 708300, 4118900; 708300, 4118100; 707900, 4118100; 707500, 4118500; 706500, 4118500; 706000, 4118900; 705600, 4119300; 705200, 4119700; 704800, 4120000; 704700, 4120100; 704700, 4120400; 705100, 4120400; 705100, 4120600; 704900, 4120700; 704900, 4120800; 705100, 4120800; 704900, 4121000; 705000, 4121100; 705100, 4121700; 705200, 4121700; 705300, 4122000; 705700, 4122100; 705700,

4122200; 705400, 4122300; 705300, 4122400; 705500, 4122600; 705400, 4122600; 705300, 4122500; 705200, 4122500; 705100, 4122500; 704900, 4122500; 704900, 4122700; 704800, 4122800; 704500, 4122800; 704300, 4122900; 704000, 4122800; 703900, 4122900; 703400, 4124400; 703300, 4124600; 701300, 4126500; 700100, 4127600; 700467, 4129067; 700500, 4129200; 700500, 4130600; 701000, 4130600; 701000, 4130100; 701100, 4129800; 701200, 4129800; 701100, 4130100; 701100, 4130600; 701700, 4130600; 701700, 4129200; 701800, 4129200; 702800, 4129200; 703000, 4128800; 703300, 4128800; 703900, 4128800; 703900, 4129000; 704200, 4129000; 704200, 4128500; 703300, 4128400; 703400, 4128300; 703400, 4127900; 703500, 4127800; 703800, 4127500; 703700, 4127300; 703500, 4127300; 703400, 4127100; 703400, 4126100; 703500, 4126100; 704400, 4126100; 704300, 4126000; 704400, 4125900; 704500, 4125300; 704500, 4124800; 705000, 4124800; 705000, 4125300; 705700, 4125300; 705700, 4124900; 706600, 4125000; 706700, 4123700; returning to 706700, 4122100.

(v) Unit 7E: Merced County, California. From USGS 1:24,000 scale quadrangles Turner Ranch, Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 711500, 4122200; 711500, 4121700; 711500, 4121200; 709900, 4121300; 709900, 4121900; 709800, 4121900; 709800, 4121800; 709700, 4121500; 709500, 4121500; 709300, 4121600; 708800, 4121400; 708700, 4121300; 706800, 4121300; returning to 706700, 4122100.

(vi) Unit 7F: Merced County, California. From USGS 1:24,000 scale quadrangles Turner Ranch, Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 711200, 4120500; 711400, 4120400; 711500, 4120500; 711600, 4119600; 711900, 4119600; 711900, 4119400; 712100, 4119300; 712300, 4119300; 712300, 4119200; 712600, 4119200; 712800, 4118800; 711600, 4118700; 711600, 4118500; 711400, 4118500; 711300, 4118400; 711100, 4118100; 709900, 4118100; 709900, 4118800; 709900, 4119000; 709700, 4119000; 709700, 4119000; 710300, 4119600; 710300, 4119600; 710300, 4119900; 710700, 4119900; 710700, 4120000; 710600, 4120000; 710600, 4120100; 710700, 4120200; 710600, 4120300; 710700, 4120400; 710700, 4120500; 710900, 4120400; 711100, 4120400; returning to 711200, 4120500.

(vii) Note: Unit 7 (Map 5) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(12) Unit 8: Ventura County, California. From USGS 1:24,000 scale quadrangles San Guillermo, Lockwood

Valley, Alamo Mountain, Lion Canyon, Topatopa Mountains. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 864689, 3849170;

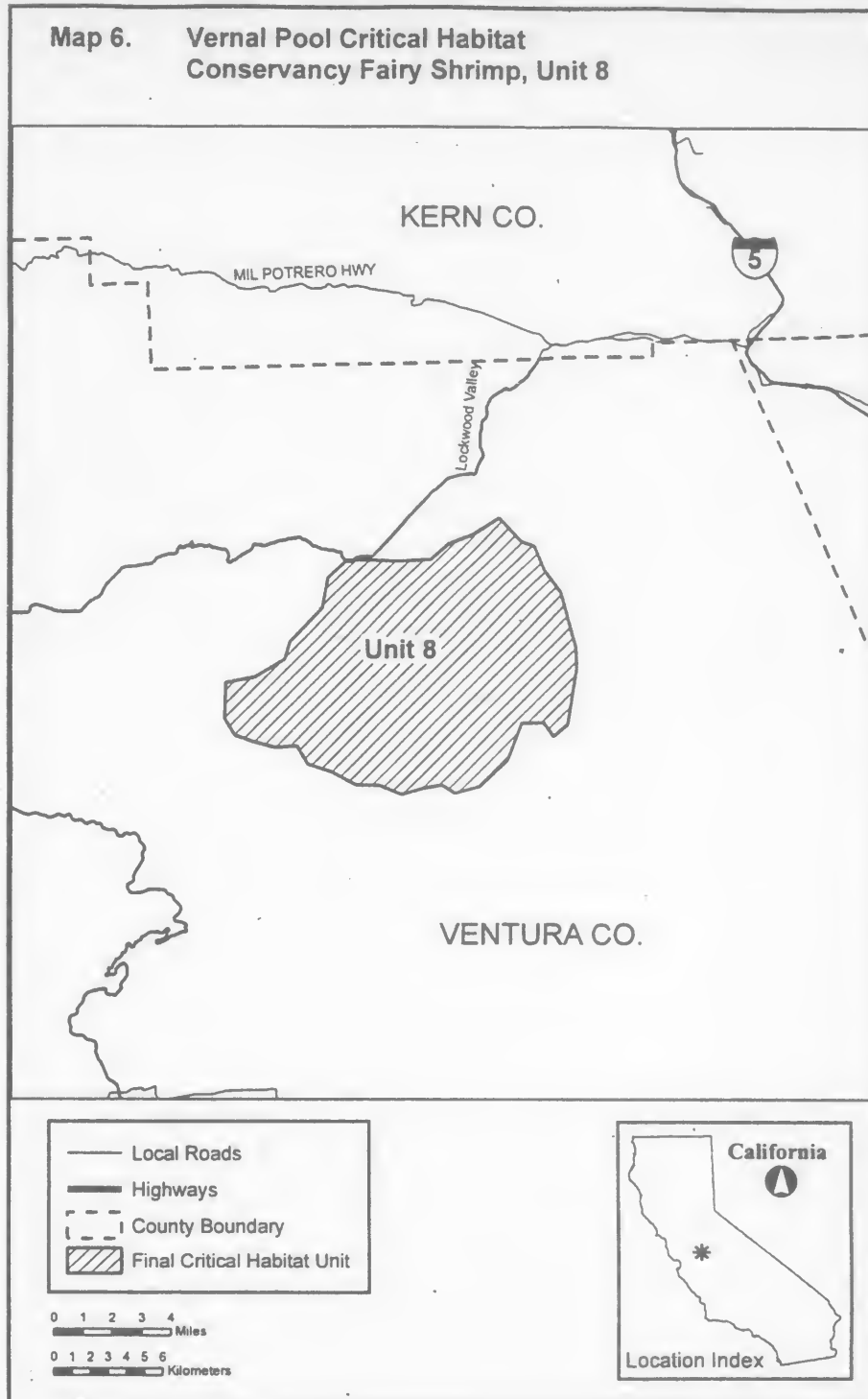
865272, 3847801; 866149, 3846550; 867028, 3843593; 867093, 3842494; 867037, 3842150; 866579, 3839353; 865815, 3838706; 865267, 3839476;

864068, 3839404; 863282, 3837452;  
861766, 3835957; 860385, 3835574;  
859656, 3836032; 858662, 3835872;  
857481, 3835501; 856246, 3836030;  
854941, 3836052; 853594, 3836774;  
852265, 3837196; 851706, 3838166;

850507, 3838094; 849284, 3838422;  
848261, 3838762; 847708, 3839632;  
847788, 3841642; 849375, 3841937;  
851020, 3842938; 851266, 3843856;  
853063, 3845668; 853362, 3847390;  
854407, 3848355; 855307, 3848409;

857217, 3848323; 859016, 3848430;  
859968, 3849289; 861343, 3849773;  
862794, 3850662; 863971, 3849428;  
returning to 864689, 3849170.

(13) Note: Unit 8 (Map 6) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Longhorn Fairy Shrimp (*Branchinecta longiantenna*)

(1) Critical habitat units are depicted for Alameda, Contra Costa, Merced, and

San Luis Obispo Counties, California, on the map below.

(2) The primary constituent elements of critical habitat for longhorn fairy

shrimp (*Branchinecta longiantenna*) are the habitat components that provide:

(i) Topographic features characterized by mounds and swales and depressions within a matrix of surrounding uplands that result in complexes of continuously, or intermittently, flowing surface water in the swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water for a minimum of 23 days, in all but the driest years; thereby providing adequate water for incubation, maturation, and reproduction. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

(iii) Sources of food, expected to be detritus occurring in the pools, contributed by overland flow from the pools' watershed, or the results of biological processes within the pools

themselves, such as single-celled bacteria, algae, and dead organic matter, to provide for feeding; and

(iv) Structure within the pools described above in paragraph (2)(ii), consisting of organic and inorganic materials, such as living and dead plants from plant species adapted to seasonally inundated environments, rocks, and other inorganic debris that may be washed, blown, or otherwise transported into the pools, that provide shelter.

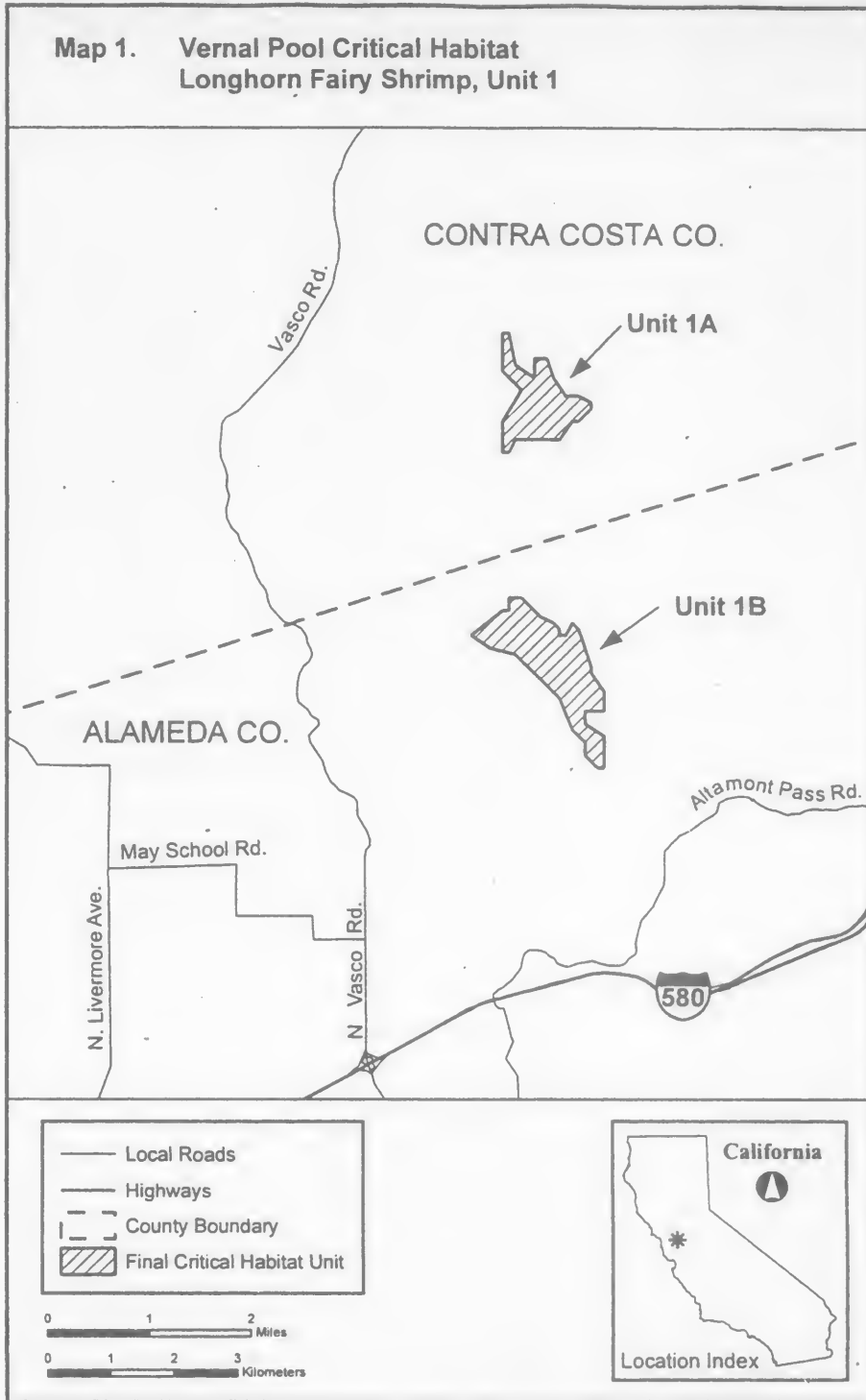
(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Contra Costa County.  
(i) Unit 1A: Contra Costa County. USGS 24,000 topographic quad Byron Hot Springs: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 614800, 4185400; 615100, 4185200; 615100, 4185500;

615300, 4185500; 615400, 4185200; 615600, 4184900; 615800, 4184900; 616000, 4184800; 616000, 4184700; 615800, 4184500; 615700, 4184500; 615500, 4184200; 615100, 4184200; 614800, 4184200; 614700, 4184000; 614600, 4184000; 614600, 4184500; 614900, 4185000; 614600, 4185300; 614600, 4185900; 614700, 4185900; returning to 614800, 4185400.

(ii) Unit 1B: Alameda County. USGS 24,000 topographic quad Byron Hot Springs: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 615500, 4181200; 615500, 4181100; 615600, 4181100; 615700, 4181300; 615800, 4181200; 616000, 4180600; 616000, 4180500; 616200, 4180200; 616200, 4179900; 615900, 4179900; 615900, 4179700; 616200, 4179500; 616200, 4179000; 616100, 4179000; 615900, 4179200; 615900, 4179400; 615700, 4179600; 615500, 4180100; 615100, 4180500; 614800, 4180800; 614400, 4180900; 614100, 4181100; 614600, 4181500; 614700, 4181500; 614700, 4181700; 614900, 4181700; 615200, 4181400; 615400, 4181300; returning to 615500, 4181200.

(iii) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(5) Unit 2: Merced County. USGS 24,000 topographic quads Gustine, Stevinson, San Luis Ranch: Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 688300, 4129000; 688600, 4128800; 689100, 4128900; 689200, 4128800; 689400,

4128600; 689800, 4128500; 689900, 4128300; 690200, 4128300; 690400, 4128200; 690500, 4128000; 690600, 4125500; 692700, 4125500; 693200,

4125000; 693100, 4124800; 693100,  
4124400; 693300, 4123700; 693600,  
4123400; 693800, 4123000; 694000,  
4122900; 694079, 4122821; 694035,  
4122790; 692453, 4121671; 692300,  
4121900; 692200, 4122000; 692200,  
4122500; 692100, 4122700; 691800,  
4122800; 691400, 4122800; 691261,  
4123079; 691262, 4123097; 691263,  
4123113; 691267, 4123155; 691273,  
4123198; 691267, 4123238; 691248,  
4123272; 691217, 4123291; 691200,  
4123294; 691200, 4123500; 691110,  
4123679; 691126, 4123677; 691149,  
4123682; 691156, 4123694; 691166,  
4123718; 691177, 4123739; 691191,  
4123771; 691193, 4123793; 691200,  
4123800; 691195, 4123810; 691201,  
4123850; 691215, 4123892; 691220,  
4123942; 691214, 4123980; 691192,

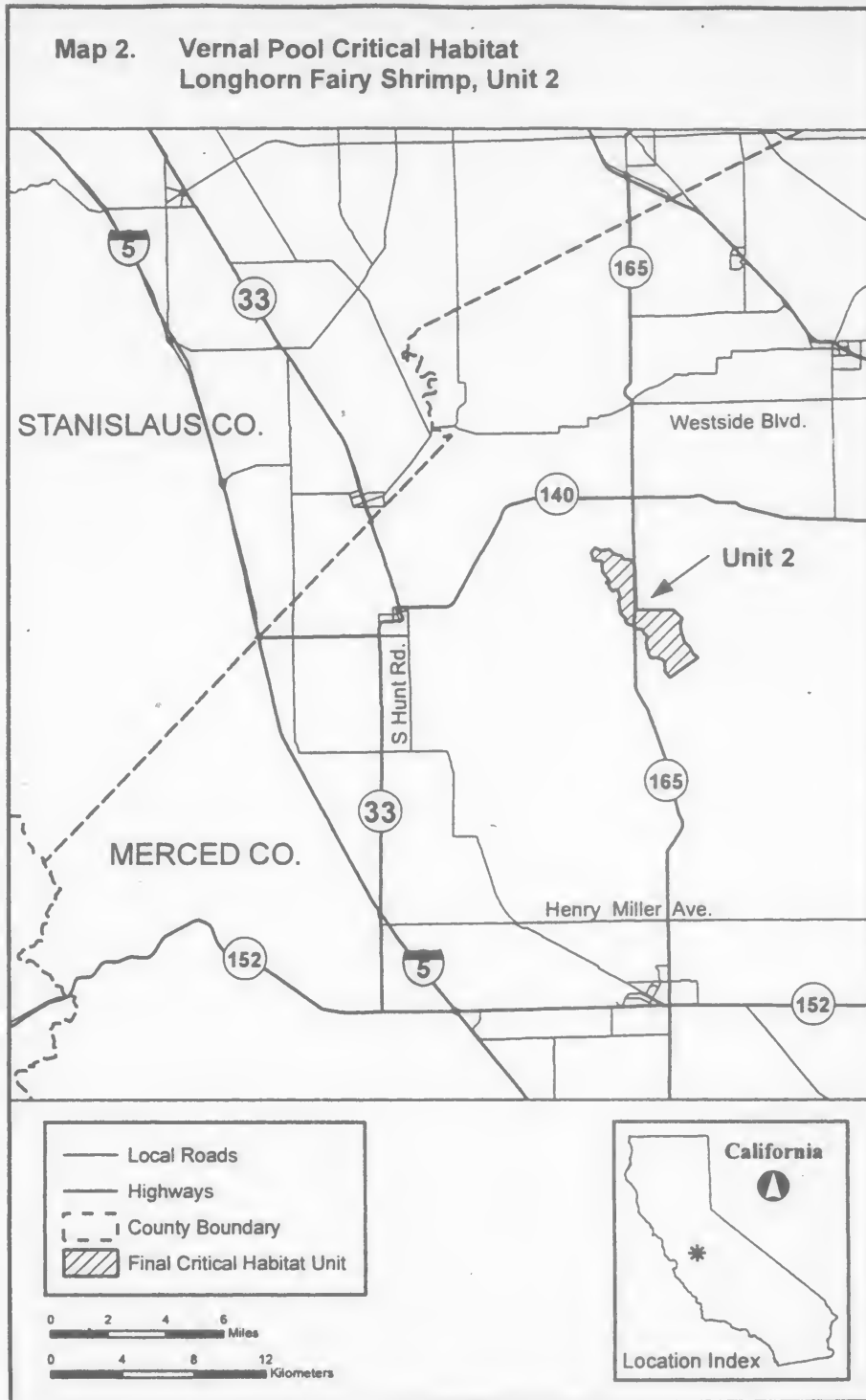
4124020; 691171, 4124049; 691150,  
4124072; 691127, 4124089; 691099,  
4124095; 691071, 4124095; 691055,  
4124090; 690900, 4124400; 690559,  
4124400; 690559, 4124402; 690569,  
4124417; 690582, 4124427; 690582,  
4124447; 690576, 4124466; 690563,  
4124483; 690546, 4124493; 690525,  
4124502; 690523, 4124502; 690523,  
4124519; 690500, 4124524; 690475,  
4124530; 690469, 4124538; 690445,  
4124570; 690388, 4124590; 690353,  
4124592; 690180, 4124650; 690127,  
4124689; 690083, 4124695; 690025,  
4124783; 690020, 4124854; 689996,  
4124900; 689988, 4125006; 689952,  
4125056; 689912, 4125095; 689856,  
4125119; 689819, 4125184; 689788,  
4125210; 689747, 4125229; 689700,  
4125300; 689658, 4125595; 689665,

4125595; 689672, 4125603; 689645,  
4125757; 689630, 4125793; 689600,  
4126000; 689700, 4126200; 689600,  
4126600; 689400, 4126600; 689275,  
4126538; 689239, 4126581; 689188,  
4126664; 689134, 4126678; 689121,  
4126682; 689069, 4126728; 689067,  
4126852; 689020, 4126961; 688990,  
4126993; 688911, 4126978; 688903,  
4126995; 688913, 4127006; 689100,  
4127100; 689024, 4127195; 689025,  
4127207; 688949, 4127292; 688931,  
4127324; 688922, 4127322; 688854,  
4127407; 688823, 4127454; 688780,  
4127503; 688735, 4127581; 688723,  
4127621; 688696, 4127650; 688684,  
4128244; 688193, 4128235; 688100,  
4128700; returning to 688300, 4129000.

(6) Note: Unit 2 (Map 2) follows:

BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(7) Unit 3: San Luis Obispo County.  
USGS 24,000 topographic quads  
Simmler: Land bounded by the

following UTM Zone 10, NAD 83  
coordinates (E,N): 774375, 3914002;  
777312, 3913479; 778710, 3913564;  
779726, 3913325; 780573, 3912575;

780827, 3911688; 779496, 3910506;  
779321, 3910094; 780960, 3909492;  
781390, 3909017; 782948, 3908110;  
783520, 3906942; 783765, 3906725;

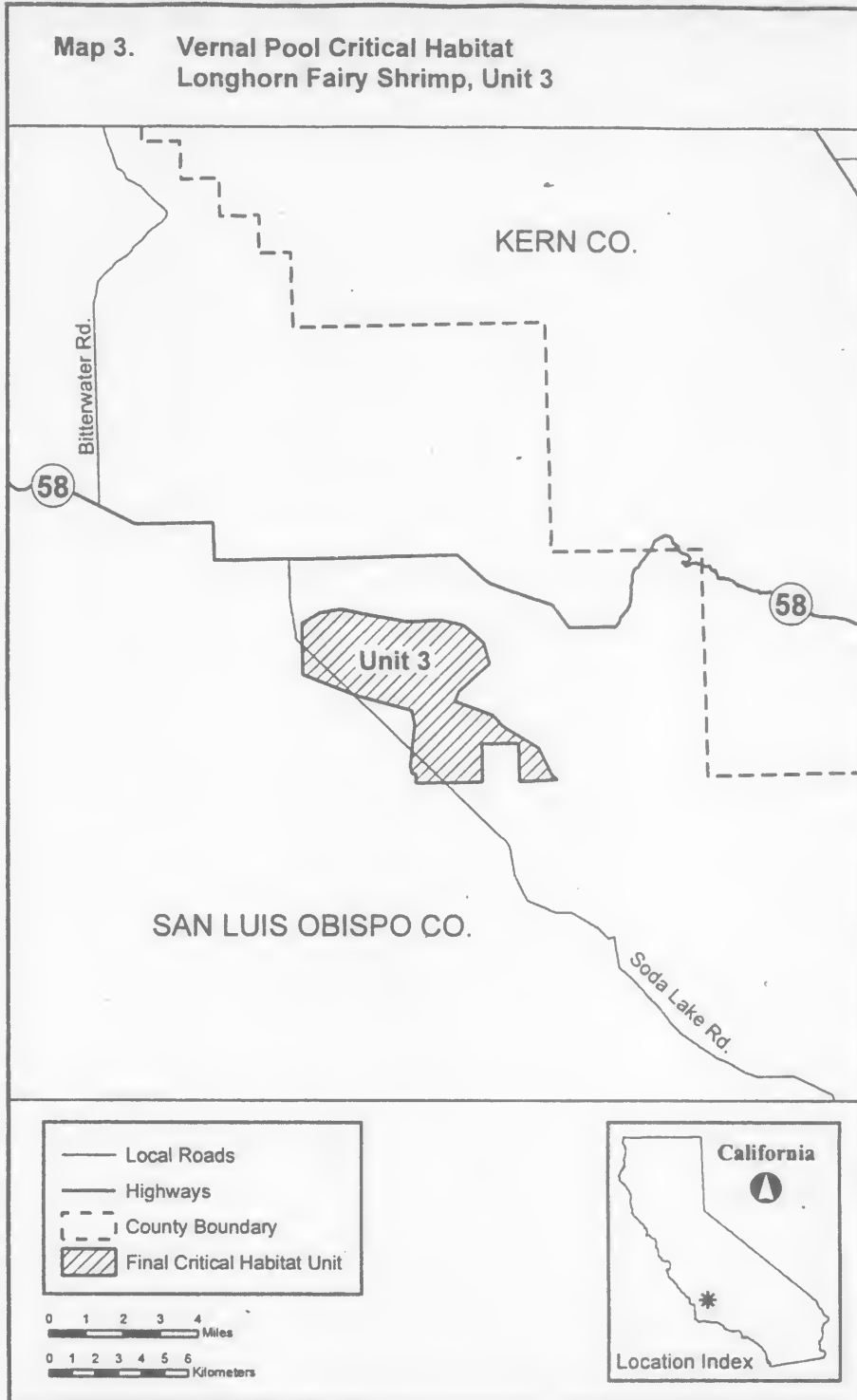
783760, 3906724; 782946, 3906690;  
782936, 3906690; 782156, 3906654;  
782132, 3906653; 782082, 3908301;  
780768, 3908263; 780485, 3908255;  
780490, 3908031; 780522, 3906619;

779393, 3906593; 777627, 3906558;  
777613, 3906978; 777456, 3906974;  
777388, 3907272; 777578, 3909087;  
777442, 3909680; 774998, 3910333;  
772742, 3911198; 772708, 3913400;

773483, 3913848; returning to 774375,  
3914002.

(8) Note: Unit 3 (Map 3) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Vernal Pool Fairy Shrimp (*Branchinecta lynchii*)

(1) Critical habitat units are depicted for Jackson County, Oregon, and

Alameda, Amador, Butte, Contra Costa, Fresno, Kings, Madera, Mariposa, Merced, Monterey, Napa, Placer, Sacramento, San Benito, San Joaquin,

San Luis Obispo, Santa Barbara, Shasta, Solano, Stanislaus, Tehama, Tulare, Ventura, and Yuba Counties, California on the map below:

(2) The primary constituent elements of critical habitat for vernal pool fairy shrimp (*Branchinecta lynchi*) are the habitat components that provide:

(i) Topographic features characterized by mounds and swales and depressions within a matrix of surrounding uplands that result in complexes of continuously, or intermittently, flowing surface water in the swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water for a minimum of 18 days, in all but the driest years; thereby providing adequate water for incubation, maturation, and reproduction. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

(iii) Sources of food, expected to be detritus occurring in the pools, contributed by overland flow from the pools' watershed, or the results of biological processes within the pools themselves, such as single-celled bacteria, algae, and dead organic matter, to provide for feeding; and

(iv) Structure within the pools described above in paragraph (3)(ii), consisting of organic and inorganic materials, such as living and dead plants from plant species adapted to seasonally inundated environments, rocks, and other inorganic debris that may be washed, blown, or otherwise transported into the pools, that provide shelter.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Jackson County, Oregon

(i) Unit 1A: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Shady Grove. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 514300, 4710800; 514300, 4710300; 514100, 4710300;

514100, 4709900; 513900, 4709900; 513900, 4709700; 513600, 4709700; 513600, 4709800; 513500, 4709800; 513500, 4710000; 513700, 4710000; 513700, 4710300; 513200, 4710300; 513200, 4710600; 513100, 4710600; 513100, 4710800; returning to 514300, 4710800;

(ii) Unit 1B: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Shady Grove. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 514100, 4707500; 514100, 4707300; 514000, 4707200; 513900, 4707200; 513900, 4707000; 513600, 4707000; 513600, 4707300; 513700, 4707300; 513700, 4707400; 513800, 4707500; 513400, 4707500; 513400, 4708000; 514700, 4708000; 514700, 4707700; 514600, 4707700; 514600, 4707600; 514200, 4707600; 514200, 4707500; returning to 514100, 4707500;

(iii) Unit 1C: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Shady Grove. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 511800, 4707800; 511800, 4707300; 511900, 4707300; 511900, 4706800; 512000, 4706800; 512000, 4706600; 511800, 4706600; 511800, 4706700; 511300, 4706700; 511300, 4706800; 511200, 4706800; 511200, 4706900; 511100, 4706900; 511100, 4707000; 511000, 4707000; 511000, 4707200; 511100, 4707300; 511200, 4707300; 511200, 4707400; 511100, 4707400; 511100, 4707500; 511200, 4707500; 511200, 4707600; 511400, 4707600; 511400, 4707700; 511600, 4707700; 511600, 4707800; returning to 511800, 4707800.

(iv) Unit 1D: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 515900, 4706700;

515900, 4706500; 516000, 4706500; 516000, 4706400; 516100, 4706400; 516100, 4706600; 516000, 4706600; 515900, 4706700; 515900, 4707000; 516200, 4707000; 516200, 4706900; 516300, 4706900; 516400, 4706700; 516400, 4706800; 516500, 4706800; 516500, 4707000; 516700, 4707000; 516700, 4706900; 516900, 4706900; 516900, 4707000; 517000, 4707000; 517000, 4707100; 517100, 4707100; 517100, 4706900; 517400, 4706900; 517400, 4706700; 517300, 4706700; 517200, 4706500; 517200, 4706400; 517100, 4706400; 517100, 4706300; 516700, 4706300; 516700, 4705600; 516500, 4705600; 516500, 4705500; 516600, 4705500; 516600, 4705400; 516700, 4705400;

516700, 4704800; 516600, 4704800; 516600, 4704600; 516300, 4704600; 516300, 4704500; 516400, 4704500; 516400, 4704400; 516500, 4704400; 516500, 4704300; 515800, 4704300; 515800, 4704600; 516000, 4704600; 516000, 4704700; 515500, 4704700; 515500, 4704800; 515400, 4704800; 515400, 4705100; 515500, 4705100; 515500, 4705200; 515700, 4705200; 515700, 4705300; 515800, 4705300; 515800, 4705900; 515700, 4705900; 515700, 4706200; 515600, 4706200; 515600, 4706400; 515500, 4706400; 515500, 4706500; 515100, 4706500; 515100, 4706700; 515000, 4706700; 515000, 4706900; 514700, 4706900; 514700, 4707000; 514600, 4707200; 514700, 4707200; 514700, 4707300; 515000, 4707300; 515000, 4707200; 515100, 4707200; 515100, 4707100; 515200, 4707100; 515300, 4707100; 515300, 4706800; 515400, 4706800; 515400, 4706700; 515500, 4706700; 515500, 4706600; 515600, 4706600; 515600, 4706700; returning to 515900, 4706700;

(v) Unit 1E: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Shady Grove. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 510800, 4707100; 510800, 4706900; 511000, 4706900; 511000, 4706500; 510700, 4706500; 510700, 4706300; 510500, 4706300; 510500, 4706000; 510400, 4706100; 510300, 4706100; 510300, 4706300; 510100, 4706300; 510100, 4706400; 510000, 4706400; 510000, 4706500; 509800, 4706500; 509800, 4706700; 510000, 4706700; 510000, 4706900; 510100, 4706900; 510100, 4707000; 510200, 4707000; 510500, 4706900; 510500, 4707000; 510600, 4707000; returning to 510800, 4707100.

(vi) Unit 1F: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Shady Grove. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 511300, 4706000; 511300, 4705900; 511500, 4705900; 511500, 4705100; 511400, 4705100; 511400, 4704800; 511200, 4704800; 511200, 4705000; 511000, 4705000; 511000, 4705200; 510900, 4705200; 510900, 4705300; 510800, 4705300; 510800, 4705900; 511000, 4705900; 511000, 4706000; 511300, 4706000; excluding 511200, 4705500; 511200, 4705300; 511300, 4705300; 511300, 4705500; returning to 511200, 4705500;

(vii) Unit 1G: Jackson County, Oregon. From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 517600, 4705100;

517600, 4705000; 517800, 4705000;  
 517800, 4704900; 517900, 4704900;  
 517900, 4704800; 519100, 4704800;  
 519100, 4704700; 519300, 4704700;  
 519300, 4704600; 519400, 4704600;  
 519400, 4704300; 519100, 4704300;  
 519100, 4704200; 518600, 4704200;  
 518600, 4704100; 517900, 4704100;  
 517900, 4704200; 517700, 4704200;  
 517700, 4704000; 517200, 4704000;  
 517200, 4704100; 517100, 4704100;  
 517100, 4704300; 517000, 4704300;  
 517000, 4704700; 516900, 4704700;  
 516900, 4704900; 517000, 4704900;  
 517000, 4705000; 517100, 4705000;  
 517100, 4705100; returning to 517600,  
 4705100

(5) Unit 2: Jackson County, Oregon.

(i) Unit 2A: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 514200, 4699200; 514200, 4698800; 514300, 4698800; 514300, 4698900; 514400, 4698900; 514400, 4699000; 514900, 4699000; 515100, 4698900; 515100, 4699100; 515200, 4699100; 515200, 4699000; 515500, 4699000; 515500, 4698800; 515600, 4698800; 515700, 4699000; 515700, 4698900; 515800, 4698900; 515800, 4698500; 515500, 4698500; 515500, 4698700; 515400, 4698700; 515300, 4698600; 515300, 4698500; 515100, 4698500; 514900, 4698600; 514900, 4698500; 514400, 4698600; 514300, 4698600; 514300, 4698400; 513400, 4698400; 513400, 4698500; 513300, 4698600; 513400, 4698600; 513400, 4698700; 513500, 4698700; 513500, 4698800; 513700, 4698800; 513700, 4699000; 513800, 4699000; 513800, 4699100; 513900, 4699100; 513900, 4699200; returning to 514200, 4699200.

(ii) Unit 2B: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 517300, 4698400; 517300, 4698300; 517500, 4698300; 517500, 4698200; 517600, 4698200; 517600, 4698300; 517900, 4698300; 518500, 4697800; 518500, 4697700; 518600, 4697700; 518600, 4697600; 518800, 4697600; 518800, 4697700; 519100, 4697700; 519100, 4697600; 519300, 4697600; 519300, 4697500; 519400, 4697500; 519400, 4697400; 519500, 4697400; 519500, 4697300; 519700, 4697300; 519800, 4697200; 519800, 4697100; 520000, 4697100; 520000, 4696800; 519900, 4696800; 520400, 4696700; 520400, 4696600; 520500, 4696600;

520500, 4696300; 520400, 4696300;  
 520400, 4696100; 520500, 4696100;  
 520500, 4696200; 520600, 4696200;  
 520600, 4696100; 520700, 4696100;  
 520700, 4695900; 520600, 4695900;  
 520600, 4695800; 520500, 4695800;  
 520500, 4695500; 520700, 4695500;  
 520700, 4695400; 520800, 4695400;  
 520800, 4694400; 520700, 4694400;  
 520700, 4694500; 520500, 4694500;  
 520500, 4694600; 520400, 4694600;  
 520400, 4694700; 520300, 4694700;  
 520300, 4694800; 519900, 4694800;  
 519900, 4694900; 519500, 4694900;  
 519500, 4695200; 519400, 4695200;  
 519400, 4695600; 519300, 4695600;  
 519300, 4695800; 519200, 4695800;  
 519200, 4695900; 519100, 4695900;  
 519100, 4696000; 519000, 4696000;  
 519000, 4696200; 519300, 4696200;  
 519300, 4696300; 519100, 4696300;  
 519100, 4696400; 518900, 4696400;  
 518900, 4696500; 518800, 4696500;  
 518800, 4696400; 518600, 4696400;  
 518600, 4696700; 518500, 4696700;  
 518500, 4696800; 518400, 4696800;  
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 518300, 4697000; 518200, 4697000;  
 518200, 4697100; 518100, 4697100;  
 518100, 4697200; 517600, 4697200;  
 517600, 4697300; 517300, 4697300;  
 517300, 4697400; 517100, 4697400;  
 517100, 4697600; 517000, 4697600;  
 517000, 4697800; 516900, 4697800;  
 516900, 4698400; returning to 517300,  
 4698400.

(iii) Unit 2C: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 516100, 4697800; 516100, 4697400; 515000, 4697400; 515000, 4697800; 515200, 4697800; 515200, 4697700; 515300, 4697700; 515300, 4697800; returning to 516100, 4697800.

(iv) Unit 2D: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 517000, 4697200; 517000, 4697100; 517200, 4697100; 517200, 4697000; 517300, 4697000; 517300, 4696900; 517400, 4696900; 517400, 4696600; 517200, 4696600; 517200, 4696700; 516800, 4696700; 516800, 4696600; 516300, 4696600; 516300, 4696500; 516200, 4696500; 516200, 4696200; 515900, 4696200; 515900, 4696900; 516100, 4696900; 516100, 4697000; 516500, 4697000; 516500, 4697100; 516800, 4697100; 516800, 4697200; returning to 517000, 4697200.

(v) Unit 2E: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 515500, 4696600;

515500, 4696400; 515100, 4696400;  
 515100, 4696300; 515200, 4696300;  
 515200, 4695800; 515000, 4695800;  
 515000, 4695900; 514500, 4695900;  
 514500, 4695800; 514300, 4695800;  
 514300, 4695900; 514200, 4695900;  
 514200, 4696000; 514100, 4696000;  
 514100, 4695900; 514000, 4695900;  
 514000, 4695800; 513900, 4695800;  
 513900, 4695900; 513800, 4695900;  
 513800, 4696600; 513500, 4696600;  
 513500, 4696800; 515600, 4696800;  
 515600, 4696600; returning to 515500,  
 4696600; excluding 514500, 4696500;  
 514500, 4696400; 514300, 4696400;  
 514300, 4696500; 514200, 4696500;  
 514200, 4696400; 514100, 4696400;  
 514100, 4696300; 514700, 4696300;  
 514700, 4696500; returning to 514500,  
 4696500.

(6) Unit 3: Jackson County, Oregon.

(i) Unit 3A: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 511600, 4698900; 511600, 4699000; 511400, 4699000; 511400, 4699100; 511100, 4699100; 511100, 4699200; 510700, 4699200; 510700, 4699300; 510600, 4699300; 510900, 4699500; 510900, 4699600; 511200, 4699600; 511300, 4699700; 511300, 4699700; 511400, 4700000; 511500, 4700000; 511500, 4699900; 511600, 4699900; 511700, 4699800; 511700, 4699800; 511700, 4699900; 511900, 4699900; 511900, 4698900; returning to 511600, 4698900.

(ii) Unit 3B: Jackson County, Oregon.

From USGS 1:24,000 scale quadrangle Eagle Point, Sams Valley. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 511600, 4698900; 511600, 4698600; 511300, 4698600; 511300, 4698700; 511200, 4698700; 511200, 4698600; 511000, 4698600; 511000, 4698500; 510700, 4698500; 510700, 4698600; 510500, 4698600; 510500, 4698500; 509600, 4698500; 509600, 4698100; 509400, 4698100; 509400, 4698000; 509200, 4698000; 509200, 4697800; 509300, 4697800; 509300, 4697600; 509400, 4697600; 509400, 4697200; 509500, 4697200; 509500, 4697000; 510100, 4697000; 510100, 4697100; 511700, 4697100; 511700, 4697000; 511900, 4697000; 511900, 4696400; 510800, 4696400; 510800, 4696300; 510600, 4696300; 510600, 4696400; 510300, 4696400; 510300, 4696500; 509700, 4696500; 509700, 4696600; 509600, 4696600; 509600, 4696500; 508900, 4696500; 508900, 4696600; 508600, 4696600; 508600, 4696700; 508400, 4696700; 508400, 4696800; 508300, 4696800; 508300, 4696900; 508200, 4696900;

508200, 4697000; 508100, 4697000;  
 508100, 4697100; 508000, 4697100;  
 508000, 4697300; 508100, 4697300;  
 508100, 4697600; 508400, 4697600;  
 508400, 4697700; 508600, 4697700;  
 508600, 4697800; 508500, 4697800;  
 508500, 4698000; 508400, 4698000;  
 508400, 4698400; 508500, 4698400;  
 508500, 4698500; 508800, 4698500;  
 508800, 4698600; 508900, 4698600;  
 508900, 4698300; 509000, 4698300;  
 509000, 4698400; 509100, 4698400;  
 509100, 4698600; 509200, 4698600;  
 509200, 4698700; 509500, 4698700;  
 509500, 4698900; 509800, 4698900;  
 509800, 4699000; 510100, 4699000;  
 510100, 4699100; 511000, 4699100;  
 511000, 4699000; 511300, 4699000;  
 511300, 4698900; 511600, 4698900;  
 excluding 508500, 4697300; 508500,  
 4697100; returning to 508600, 4697100;  
 508600, 4697300; 508500, 4697300; also  
 excluding 508800, 4697800; 508800,  
 4697700; 509100, 4697700; 509100,  
 4697800; returning to 508800, 4697800;  
 (iii) Unit 3C: Jackson County, Oregon.  
 From USGS 1:24,000 scale quadrangle  
 Sams Valley. Land bounded by the  
 following UTM Zone 10, NAD 83  
 coordinates (E,N): 506800, 4697600;  
 506800, 4697500; 506900, 4697500;  
 506900, 4697300; 506800, 4697300;  
 506800, 4697200; 506700, 4697200;  
 506700, 4696700; 507000, 4696700;  
 507000, 4697000; 506900, 4697000;  
 506900, 4697200; 507000, 4697200;  
 507000, 4697400; 507100, 4697400;  
 507100, 4697500; 507200, 4697500;  
 507200, 4697400; 507300, 4697400;  
 507300, 4697300; 507400, 4697300;  
 507400, 4697100; 507500, 4697100;  
 507500, 4697000; 507600, 4697000;  
 507600, 4696900; 507700, 4696900;

507700, 4696700; 507900, 4696700;  
 507900, 4696000; 508300, 4696000;  
 508300, 4695000; 507800, 4695000;  
 507800, 4695200; 507400, 4695200;  
 507400, 4695400; 506900, 4695400;  
 506900, 4695800; 506800, 4695800;  
 506800, 4695900; 506400, 4695900;  
 506400, 4695800; 505600, 4695800;  
 505600, 4696000; 505800, 4696000;  
 505800, 4696700; 506200, 4696700;  
 506200, 4696800; 506100, 4696800;  
 506100, 4697300; 506200, 4697300;  
 506200, 4697600; returning to 506800,  
 4697600.

(7) Unit 4: Jackson County, Oregon

(i) Unit 4A: Jackson County, Oregon.  
 From USGS 1:24,000 scale quadrangle  
 Sams Valley. Land bounded by the  
 following UTM Zone 10, NAD 83  
 coordinates (E,N): 507200, 4703500;  
 507200, 4703400; 507300, 4703400;  
 507300, 4703300; 507800, 4703300;  
 507800, 4703200; 507900, 4703200;  
 507900, 4703100; 508000, 4703100;  
 508000, 4703000; 508100, 4703000;  
 508100, 4702900; 508200, 4702900;  
 508200, 4702800; 508300, 4702800;  
 508300, 4702700; 508400, 4702700;  
 508400, 4702500; 508500, 4702500;  
 508500, 4702300; 508600, 4702300;  
 508600, 4701900; 508800, 4701900;  
 508800, 4701500; 508700, 4701500;  
 508700, 4701400; 508600, 4701400;  
 508600, 4701300; 508400, 4701300;  
 508400, 4701500; 508300, 4701500;  
 508300, 4701900; 508200, 4701900;  
 508200, 4702000; 508100, 4702000;  
 508100, 4702100; 508000, 4702100;  
 508000, 4702200; 507900, 4702200;  
 507900, 4702300; 507800, 4702300;  
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 507600, 4702400; 507500, 4702400;

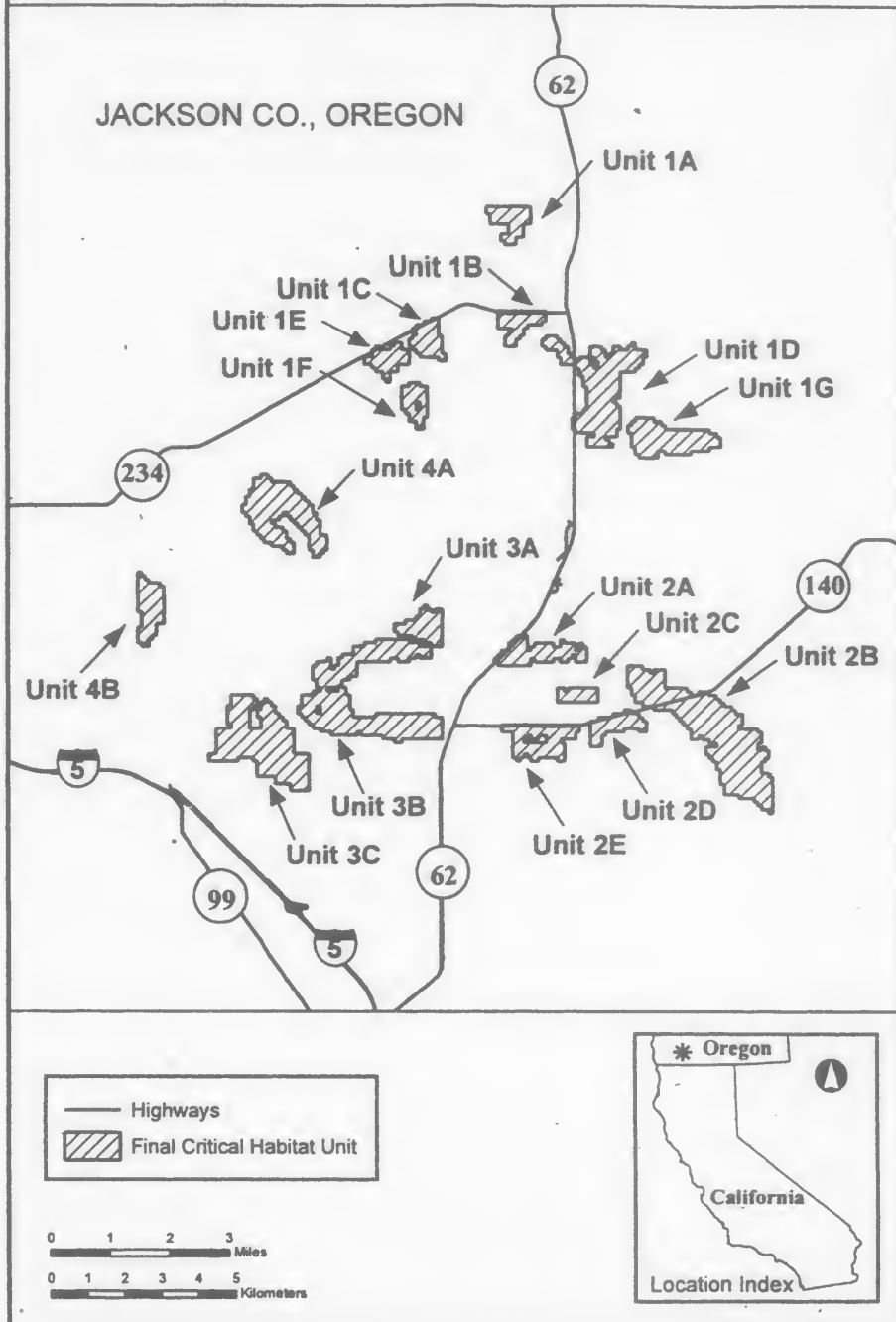
507500, 4702300; 507300, 4702300;  
 507300, 4702200; 507400, 4702200;  
 507400, 4702100; 507600, 4702100;  
 507600, 4702000; 507700, 4702000;  
 507700, 4701800; 507800, 4701800;  
 507800, 4701700; 507900, 4701700;  
 507900, 4701400; 507700, 4701400;  
 507700, 4701500; 507600, 4701500;  
 507600, 4701600; 507300, 4701600;  
 507300, 4701700; 507100, 4701700;  
 507100, 4701800; 507000, 4701800;  
 507000, 4701900; 506900, 4701900;  
 506900, 4702000; 506800, 4702000;  
 506800, 4702200; 506700, 4702200;  
 506700, 4702400; 506600, 4702400;  
 506600, 4702500; 506500, 4702500;  
 506500, 4702700; 506600, 4702700;  
 506600, 4702900; 506700, 4702900;  
 506700, 4703100; 506800, 4703100;  
 506800, 4703400; 507000, 4703400;  
 507000, 4703500; returning to 507200,  
 4703500;

(ii) Unit 4B: Jackson County, Oregon.  
 From USGS 1:24,000 scale quadrangle  
 Sams Valley. Land bounded by the  
 following UTM Zone 10, NAD 83  
 coordinates (E,N): 503800, 4700900;  
 503800, 4700800; 503900, 4700800;  
 503900, 4700700; 504000, 4700700;  
 504000, 4700600; 504300, 4700600;  
 504300, 4700500; 504400, 4700500;  
 504400, 4699500; 504200, 4699500;  
 504200, 4699200; 504100, 4699200;  
 504100, 4699100; 504000, 4699100;  
 504000, 4698900; 503800, 4698900;  
 503800, 4699000; 503700, 4699000;  
 503700, 4699400; 503800, 4699400;  
 503800, 4699800; 503700, 4699800;  
 503700, 4700900; returning to 503800,  
 4700900.

(iii) Note: Units 1-4 (Map 1) follow:

BILLING CODE 4310-55-P

**Map 1. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Units 1 - 4**



BILLING CODE 4310-55-C

(8) Unit 5: Shasta County, California. From USGS 1:24,000 scale quadrangle Palo Cedro, Enterprise, Balls Ferry,

Cottonwood. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 562500, 4487400; 562700, 4487100; 562900, 4487200;

563200, 4487200; 563300, 4487000; 563300, 4486700; 563800, 4486400; 564300, 4484700; 564300, 4484400; 564500, 4484100; 564500, 4483800;

564600, 4483700; 564600, 4483400;  
 564400, 4483100; 564100, 4482800;  
 564100, 4482600; 564300, 4482600;  
 564300, 4482400; 564300, 4482300;  
 564200, 4482200; 564100, 4482100;  
 564000, 4482100; 564200, 4481800;  
 564200, 4480900; 563600, 4480900;  
 563300, 4481000; 563100, 4480900;  
 562900, 4480900; 562500, 4481200;  
 562400, 4481500; 562400, 4481700;  
 562300, 4482400; 562000, 4482500;  
 561900, 4482800; 561800, 4483300;  
 561500, 4483700; 561000, 4484000;  
 560700, 4485400; 560700, 4486500;  
 560800, 4486700; 561000, 4486900;  
 561200, 4487000; 561300, 4487600;  
 561600, 4487900; 562000, 4487900;  
 returning to 562500, 4487400;

(9) Unit 6: Tehama County, California.  
 From USGS 1:24,000 scale quadrangle  
 Red Bluff East, Red Bluff West, Gerber,  
 West of Gerber, Corning, Henleyville.  
 Land bounded by the following UTM  
 Zone 10, NAD 83 coordinates (E,N):  
 563400, 4444500; 563400, 4444400;  
 563500, 4444400; 563700, 4444400;  
 563800, 4443800; 564200, 4443800;  
 564300, 4443600; 564200, 4443400;  
 564100, 4443200; 564000, 4443200;  
 564000, 4443000; 564100, 4443000;  
 564100, 4442800; 564100, 4442700;  
 564100, 4442600; 564200, 4442600;  
 564300, 4442900; 564400, 4443100;  
 564400, 4443400; 564700, 4443400;  
 565200, 4443400; 565500, 4443300;  
 565800, 4442900; 566100, 4442900;  
 566200, 4442500; 566100, 4442400;  
 566100, 4442100; 565800, 4441900;  
 566000, 4441600; 566000, 4441500;  
 565400, 4441200; 565500, 4441000;  
 565400, 4440800; 565400, 4440200;  
 565400, 4439000; 566100, 4439000;  
 566100, 4439300; 566500, 4439900;  
 566400, 4440400; 566000, 4440600;  
 567500, 4441200; 567900, 4441200;  
 568673, 4440582; 568400, 4440400;  
 568300, 4439900; 568700, 4439100;  
 569500, 4439400; 569850, 4438750;  
 570194, 4438101; 569400, 4438200;  
 569000, 4438300; 568600, 4438400;  
 567800, 4438400; 567600, 4438400;  
 567400, 4438200; 567000, 4438100;  
 567000, 4438000; 566800, 4437700;  
 566800, 4437400; 566200, 4437400;  
 566200, 4438200; 565900, 4438400;  
 565400, 4438000; 564200, 4438000;  
 564200, 4437800; 563900, 4437800;  
 563600, 4437600; 563400, 4437400;  
 563400, 4436900; 563400, 4436600;  
 563200, 4436600; 563200, 4436200;  
 563200, 4435800; 563500, 4435800;  
 563700, 4436100; 564200, 4436400;  
 564500, 4436500; 564700, 4436500;  
 564900, 4436400; 564900, 4436200;  
 564800, 4435800; 565100, 4435800;  
 564800, 4435500; 564500, 4435500;  
 564400, 4435400; 564200, 4435200;  
 564100, 4435000; 563800, 4434900;

563600, 4434700; 563500, 4434500;  
 563400, 4434500; 563200, 4434200;  
 563600, 4434200; 563600, 4432600;  
 563700, 4432600; 563500, 4432100;  
 564500, 4431968; 564500, 4431500;  
 565400, 4431500; 565400, 4431400;  
 567000, 4431300; 567000, 4430700;  
 566800, 4430500; 567400, 4430500;  
 567500, 4429600; 566800, 4429600;  
 566300, 4429600; 566100, 4429700;  
 566100, 4429100; 566000, 4429200;  
 565800, 4429300; 565500, 4429200;  
 565300, 4429200; 565100, 4429000;  
 564600, 4429000; 564300, 4428700;  
 564000, 4428700; 563700, 4428500;  
 563700, 4428200; 564100, 4428200;  
 564600, 4428200; 565500, 4428300;  
 566600, 4428100; 566600, 4428000;  
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 567300, 4427200; 566900, 4427200;  
 566100, 4426900; 566000, 4426700;  
 565500, 4426700; 565400, 4426600;  
 565297, 4426600; 565307, 4427383;  
 564276, 4427370; 564270, 4428012;  
 564280, 4428155; 563943, 4428136;  
 563688, 4428134; 563596, 4428131;  
 563607, 4427381; 563688, 4427377;  
 563689, 4426540; 563940, 4426553;  
 564800, 4426576; 564800, 4426200;  
 564800, 4425900; 563700, 4425800;  
 562600, 4425100; 562300, 4425000;  
 562100, 4425000; 562000, 4425000;  
 561800, 4424900; 561700, 4424800;  
 561600, 4424800; 561500, 4424800;  
 561300, 4424800; 561200, 4424800;  
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 560400, 4425000; 560100, 4424900;  
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 555100, 4425600; 557200, 4426300;  
 557800, 4426800; 558300, 4426500;  
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 558000, 4429900; 558600, 4430000;  
 558600, 4431100; 560000, 4431600;  
 559200, 4431900; 558300, 4432000;  
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558500, 4443000; 557400, 4442900;  
 557000, 4443000; 556800, 4443400;  
 557500, 4444300; 558000, 4443700;  
 558400, 4443700; 559800, 4443900;  
 559800, 4443700; 559700, 4443500;  
 559700, 4443200; 559900, 4443400;  
 560000, 4443500; 560500, 4443500;  
 560700, 4443600; 561000, 4443700;  
 561700, 4443900; 562400, 4444000;  
 562500, 4444100; 562600, 4444100;  
 562600, 4444500; 562900, 4444500;  
 returning to 563400, 4444500;

(10) Unit 7: Tehama County,  
 California.

(i) Unit 7A: Tehama County,  
 California. From USGS 1:24,000 scale  
 quadrangle Acorn Hollow and  
 Richardson Springs NW. Land bounded  
 by the following UTM Zone 10, NAD 83  
 coordinates (E,N): 588739, 4429822;  
 588900, 4429500; 589500, 4429500;  
 589500, 4428600; 589500, 4428000;  
 589800, 4427100; 590500, 4426400;  
 590500, 4425300; 591200, 4424400;  
 591500, 4423300; 591562, 4422558;  
 590526, 4423686; 589986, 4424273;  
 589816, 4424458; 589129, 4425207;  
 588454, 4426221; 588425, 4426265;  
 588279, 4426485; 588213, 4426583;  
 588213, 4426584; 588600, 4429100;  
 588733, 4429833; returning to 588739,  
 4429822;

(ii) Unit 7B: Tehama County,  
 California. From USGS 1:24,000 scale  
 quadrangle Sloughhouse. Land bounded  
 by the following UTM Zone 10, NAD 83  
 coordinates (E,N): 593700, 4420900;  
 593164, 4420815; 592329, 4421723;  
 592258, 4421800; 593000, 4421800;  
 593100, 4421500; 593500, 4421400;  
 returning to 593700, 4420900;

(iii) Unit 7C: Tehama County,  
 California. From USGS 1:24,000 scale  
 quadrangle Richard Springs NW. Land  
 bounded by the following UTM Zone  
 10, NAD 83 coordinates (E,N): 594500,  
 4420300; 593881, 4420035; 593371,  
 4420590; 594000, 4420800; 594400;  
 4420600; returning to 594500, 4420300;

(iv) Unit 7D: Tehama and Butte  
 Counties, California. From USGS  
 1:24,000 scale quadrangle Campbell  
 Mound, Richardson Springs, and  
 Richardson Springs NW. Land bounded  
 by the following UTM Zone 10, NAD 83  
 coordinates (E,N): 597100, 4416400;  
 597100, 4415600; 597044, 4415525;  
 596800, 4415200; 597100, 4415000;  
 597800, 4415500; 598100, 4415200;  
 597600, 4414600; 597600, 4414400;  
 597300, 4413800; 597300, 4413300;  
 598200, 4413900; 598400, 4413900;  
 598400, 4413600; 597422, 4411938;  
 597281, 4412382; 596959, 4413403;  
 596640, 4414116; 596620, 4414481;  
 596305, 4415484; 596303, 4415489;  
 596130, 4416040; 596091, 4416160;  
 596028, 4416358; 596011, 4416411;  
 595993, 4416465; 595982, 4416500;



596000, 4416500; 596100, 4416400;  
596200, 4416500; 596300, 4416600;  
596400, 4416700; 596500, 4416700;  
596500, 4416800; 596600, 4416800;  
returning to 597100, 4416400.

(v) Unit 7E: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 598900, 4411800; 599400, 4411700; 599800, 4411700; 599800, 4411000; 599300, 4410700; 599100, 4410800; 599000, 4410800; 598800, 4410600; 598500, 4410400; 598300, 4410100; 598100, 4410000; 598070, 4409970; 598051, 4409993; 598038, 4410010; 598014, 4410083; 597806, 4410737; 597725, 4410990; 597461, 4411816; 597434, 4411900; 597600, 4411900; 598300, 4412700; 598500, 4413300; 598900, 4413300; returning to 598900, 4411800;

(vi) Unit 7F: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 599500, 4406200; 600300, 4406000; 601200, 4405600; 601800, 4405600; 602000, 4405500; 602200, 4405200; 602500, 4405200; 602700, 4404900; 603300, 4404700; 604500, 4404200; 605200, 4404200; 605600, 4404000; 605600, 4403600; 605100, 4403300; 604700, 4403400; 604500, 4403300; 604475, 4403175; 604400, 4403100; 604300, 4403100; 604200, 4403000; 604100, 4402900; 604000, 4402900; 603800, 4402800; 603800, 4402600; 603600, 4402400; 603400, 4402400; 603200, 4402500; 603100, 4402400; 602900, 4402400; 602900, 4402100; 602700, 4402100; 602300, 4402600; 602300, 4402700; 601800, 4403300; 601714, 4403300; 601553, 4403500; 601501, 4403499; 601465, 4403621; 601319, 4403663; 601226, 4403595; 601089, 4403571; 600979, 4403503; 600901,

4403569; 600860, 4403446; 600704, 4403566; 600542, 4403475; 600507, 4403530; 600473, 4403563; 600453, 4403580; 600369, 4403651; 600344, 4403642; 600232, 4403605; 599983, 4403679; 599973, 4403678; 599801, 4403662; 599725, 4403718; 599651, 4403697; 599493, 4403839; 599328, 4403862; 599302, 4403865; 599269, 4403870; 599084, 4403634; 599024, 4403611; 598987, 4404400; 598980, 4404543; 598971, 4404723; 598955, 4405388; 598953, 4405458; 598951, 4405529; 598947, 4405677; 598934, 4405719; 598919, 4405750; 599000, 4405800; 598900, 4406100; 598700, 4406000; 598694, 4406000; 598635, 4406058; 598598, 4406103; 598583, 4406127; 598567, 4406159; 598549, 4406210; 598544, 4406234; 598540, 4406255; 598533, 4406421; 598522, 4406815; 598516, 4407133; 598511, 4407496; 598513, 4407515; 598525, 4407568; 598527, 4407571; 598527, 4407589; 598580, 4407812; 598800, 4407900; 598900, 4408100; 599200, 4408400; 600200, 4408900; 600300, 4408800; 600300, 4408400; 600000, 4408100; 600400, 4407600; 599500, 4406700; returning to 599500, 4406200.

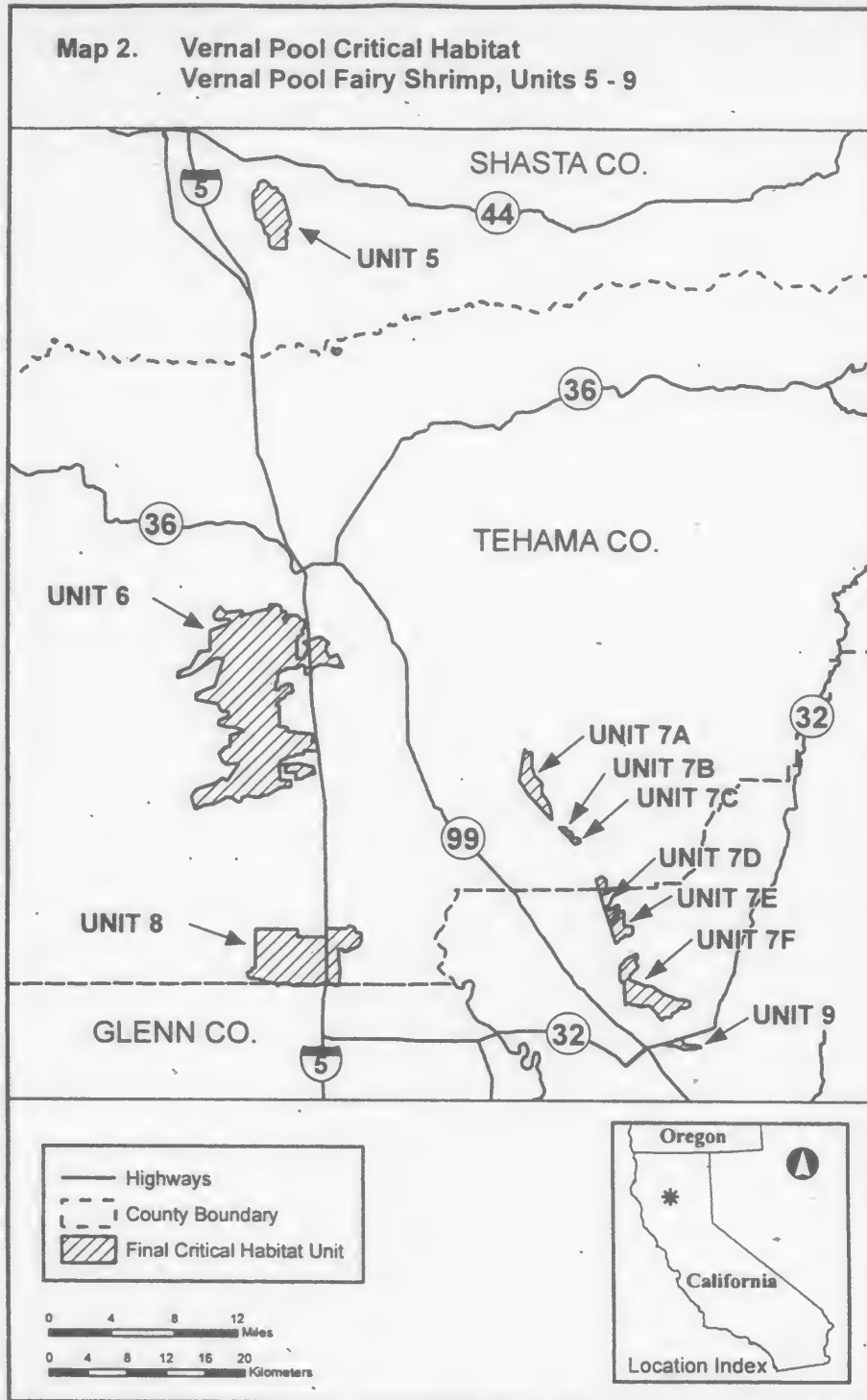
(11) Unit 8: Tehama and Glenn Counties, California. From USGS 1:24,000 scale quadrangle Kirkwood and Black Butte Dam. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 572100, 4410900; 572100, 4410100; 571800, 4409600; 570500, 4409000; 570200, 4409000; 570200, 4409300; 569700, 4409300; 569700, 4409000; 569800, 4407700; 569900, 4407000; 569800, 4406100; 569800, 4405643; 569800, 4405500; 569400, 4405500; 569107, 4405647; 568600, 4405900; 568300, 4405900; 567809, 4405654; 567500, 4405500; 567200, 4405500; 565000, 4405500; 564769, 4405673; 564600, 4405800;

564100, 4405800; 563860, 4405680; 563700, 4405600; 563400, 4405400; 563214, 4405679; 563200, 4405700; 562800, 4405800; 561400, 4406200; 560900, 4406200; 560600, 4406300; 560500, 4406400; 560400, 4406600; 560400, 4406900; 560800, 4406900; 560800, 4407300; 561200, 4407300; 561200, 4411300; 565500, 4411300; 565500, 4410500; 568400, 4410500; 568400, 4410600; 568400, 4411400; 570500, 4411400; 570800, 4411700; 571400, 4411500; 571500, 4411000; returning to 572100, 4410900;

(12) Unit 9: Butte County, California. From USGS 1:24,000 scale quadrangle Chico. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 605100, 4399600; 606500, 4399500; 606797, 4399330; 606777, 4399300; 606724, 4399252; 606568, 4399265; 606528, 4399272; 606479, 4399279; 606478, 4399279; 606394, 4399264; 606362, 4399238; 606329, 4399210; 606274, 4399169; 606209, 4399135; 606125, 4399122; 606060, 4399122; 605967, 4399131; 605899, 4399134; 605857, 4399134; 605822, 4399130; 605789, 4399116; 605781, 4399138; 605775, 4399149; 605764, 4399152; 605763, 4399152; 605701, 4399142; 605589, 4399116; 605504, 4399107; 605432, 4399110; 605319, 4399064; 605233, 4399045; 605173, 4399034; 605135, 4399023; 605134, 4399023; 605127, 4399023; 605109, 4399023; 605080, 4399025; 605063, 4399025; 605002, 4399051; 604957, 4399069; 604907, 4399092; 604029, 4399508; 603896, 4399435; 603886, 4399435; 603879, 4399436; 603300, 4399523; 603300, 4399600; 602900, 4399600; 603500, 4399800; 604700, 4400200; returning to 605100, 4399600.

(13) Note: Units 5-9 (Map 2) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(14) Unit 10: Glenn and Colusa Counties, California. This unit was

excluded from the designation pursuant to Section 4(b)(2) of the Act.

(15) Unit 11: Yuba County, California. From USGS 1:24,000 scale quadrangle

Browns Valley and Wheatland. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 635000, 4332200; 635000, 4329900; 634600,

4329900; 633800, 4329900; 633600,  
4330100; 633500, 4330100; 633300,  
4330100; 633300, 4330300; 632700,  
4330100; 632400, 4329900; 632400,  
4329000; 631300, 4329000; 631300,  
4329200; 631600, 4329200; 631600,  
4329800; 631900, 4329800; 631900,  
4330600; 632800, 4330600; 633000,  
4330900; 633000, 4331300; 633100,  
4331500; 633500, 4331700; 633800,  
4331500; 633800, 4332200; returning to  
635000, 4332200.

(16) Unit 12: Placer County,  
California.

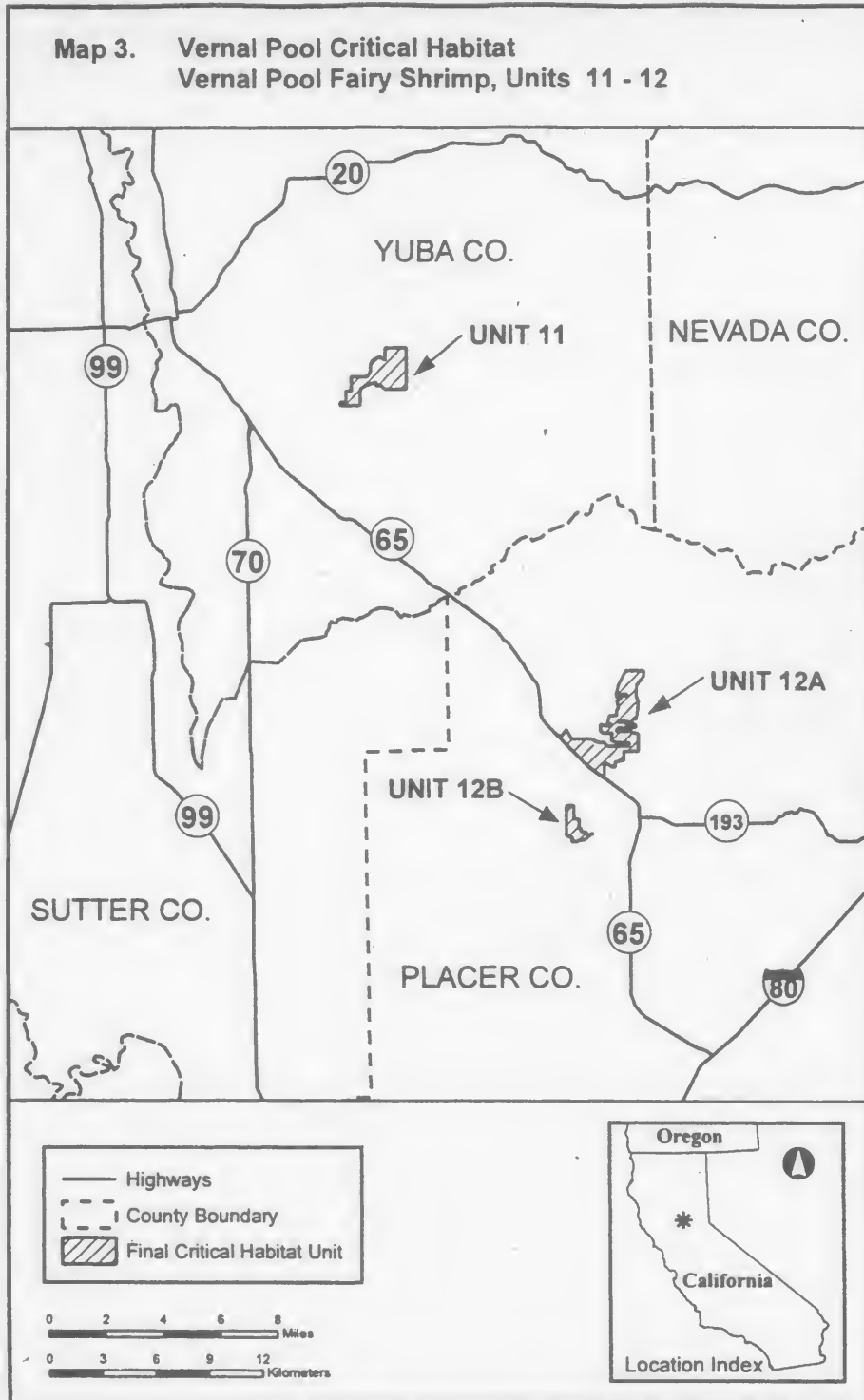
(i) Unit 12A: Placer County,  
California. From USGS 1:24,000 scale  
quadrangle Lincoln. Land bounded by  
the following UTM Zone 10, NAD 83  
coordinates (E,N): 647900, 4313400;  
647900, 4312700; 648000, 4312500;  
647900, 4311500; 647700, 4311500;  
647600, 4311300; 647300, 4311400;  
646900, 4311400; 646900, 4311300;  
647200, 4311300; 647500, 4311200;  
647800, 4311200; 647900, 4311100;  
647800, 4311000; 646900, 4311000;  
646800, 4310900; 646800, 4310800;  
647400, 4310800; 647500, 4310900;  
647600, 4310800; 647800, 4310700;  
648000, 4310700; 648000, 4310000;  
648000, 4309700; 647200, 4309700;  
647200, 4309200; 646700, 4309100;  
646700, 4308800; 646600, 4308800;

646100, 4309100; 646100, 4308200;  
646126, 4308174; 646012, 4308259;  
645967, 4308294; 645917, 4308327;  
645822, 4308387; 645337, 4308742;  
645215, 4308841; 645100, 4308942;  
644197, 4309858; 644195, 4309860;  
644194, 4309862; 644149, 4309914;  
643464, 4310618; 643700, 4310500;  
644000, 4310900; 644300, 4310400;  
645400, 4310400; 645800, 4310200;  
646100, 4310200; 646300, 4310000;  
647500, 4310000; 647500, 4310200;  
646800, 4310200; 646500, 4310300;  
646500, 4310600; 646600, 4310700;  
646100, 4310700; 645900, 4310800;  
645900, 4311200; 646100, 4311100;  
646500, 4311100; 646500, 4311200;  
646300, 4311200; 646300, 4311400;  
646400, 4311700; 646800, 4311700;  
646800, 4311900; 646800, 4312000;  
646900, 4312100; 646800, 4312500;  
647000, 4312600; 647100, 4312800;  
647300, 4312800; 647400, 4312700;  
647400, 4312800; 647300, 4312900;  
647100, 4312900; 646800, 4312698;  
646800, 4313000; 646900, 4313400;  
647100, 4313800; 647300, 4314200;  
648300, 4314200; 648300, 4313900;  
returning to 647900, 4313400;

(ii) Unit 12B: Placer County,  
California. From USGS 1:24,000 scale  
quadrangle Lincoln. Land bounded by  
the following UTM Zone 10, NAD 83

coordinates (E,N): 644400, 4306677;  
644400, 4305900; 644700, 4305900;  
644700, 4305400; 644800, 4305400;  
644800, 4305200; 645100, 4305200;  
645100, 4305100; 645200, 4305000;  
645400, 4305100; 645526, 4305100;  
645502, 4305086; 645456, 4305073;  
645413, 4305069; 645405, 4305070;  
645394, 4305065; 645377, 4305040;  
645344, 4305023; 645314, 4305010;  
645277, 4304988; 645258, 4304970;  
645235, 4304941; 645228, 4304937;  
645208, 4304916; 645145, 4304856;  
645068, 4304806; 644987, 4304762;  
644904, 4304734; 644828, 4304731;  
644796, 4304732; 644778, 4304737;  
644764, 4304744; 644764, 4304742;  
644744, 4304744; 644707, 4304725;  
644667, 4304698; 644626, 4304669;  
644600, 4304649; 644575, 4304634;  
644563, 4304634; 644560, 4304636;  
644554, 4304639; 644540, 4304653;  
644526, 4304663; 644515, 4304656;  
644483, 4304652; 644439, 4304646;  
644388, 4304643; 644357, 4304642;  
644327, 4304640; 644316, 4304635;  
644300, 4304631; 644300, 4304900;  
644100, 4304900; 644100, 4305000;  
644000, 4305000; 644000, 4306669;  
returning to 644400, 4306677.

(iii) Note: Units 11-12 (Map 3) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(17) Unit 13: Sacramento County, California. From USGS 1:24,000 scale quadrangle Carmichael. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 649800, 4269600; 649800, 4268700; 650400, 4268900; 650800, 4268800; 651000, 4268800;

651000, 4269400; 651800, 4269300; 651500, 4268800; 651600, 4267900; 651600, 4266500; 651500, 4266400; 651500, 4266300; 651100, 4266300;

651100, 4266000; 651570, 4265812; 651589, 4265075; 651600, 4264400; 651400, 4264400; 651400, 4264200; 650500, 4264200; 650500, 4264300; 650400, 4264300; 650400, 4264600; 650000, 4264700; 649900, 4265100; 649400, 4265100; 649100, 4265000; 648900, 4265100; 648700, 4265100; 648700, 4265300; 648700, 4265500; 649900, 4265500; 649900, 4266000; 648300, 4266000; 648300, 4266200; 648500, 4266400; 648700, 4266200; 649000, 4266200; 649300, 4266400; 649400, 4266600; 649635, 4266678; 649700, 4266700; 649794, 4266693; 650200, 4267100; 650400, 4267000; 650600, 4267000; 650800, 4267200; 650900, 4267500; 650800, 4267900; 650500, 4267800; 650300, 4268100; 649900, 4268400; 649400, 4268100; 649100, 4267800; 649100, 4267500; 649400, 4267400; 649200, 4267100; 648400, 4267100; 648300, 4267700; 648000, 4268000; 648600, 4268500; 649400, 4268900; 649400, 4269200; 649600, 4269600; returning to 649800, 4269600.

(18) Unit 14: Sacramento and Amador County, California.

(i) Unit 14A: Sacramento and Amador County, California. From USGS 1:24,000 scale quadrangle Carbondale, Sloughhouse, Goose Creek, and Clay. Land bounded by the following UTM Zone 10, NAD 83 coordinates [E,N]: 673200, 4256400; 672800, 4255100; 672800, 4254800; 673100, 4254900; 673800, 4254900; 674000, 4254600; 674000, 4254400; 674500, 4254000; 674500, 4253700; 674100, 4253500; 674100, 4252900; 674300, 4252300; 674500, 4251900; 674500, 4251600; 673400, 4251500; 673300, 4251400; 673300, 4251200; 673900, 4251000; 674000, 4250500; 674300, 4250000; 674300, 4249800; 674200, 4249700; 673900, 4249700; 673600, 4249900; 672500, 4249900; 672315, 4249992; 671900, 4250200; 671300, 4250200; 671100, 4250500; 671000, 4250500; 671000, 4249800; 670700, 4249800; 670700, 4249500; 670800, 4249300; 670800, 4249000; 670900, 4248900; 670900, 4248500; 670500, 4248300; 670500, 4248125; 670400, 4248100; 670400, 4248000; 670100, 4248000; 670100, 4247800; 670500, 4247500; 671100, 4247500; 671600, 4247700; 671800, 4247600; 671900, 4247300; 671900, 4247100; 671500, 4246800; 671600, 4246600; 671800, 4246000; 671800, 4246000; 671255, 4245364; 670800, 4245000; 670000, 4244200; 670000, 4244100; 670500, 4243800; 670200, 4243400; 670200, 4243300; 670300, 4243200; 670400, 4243100; 670600, 4242600; 671200, 4242900; 671600, 4243000; 671600, 4242700; 670700, 4242100; 669800, 4242100; 669300, 4241900; 668900, 4241900; 668700, 4241800; 668500, 4241600; 668400, 4241600; 668200, 4241700; 668000, 4242000; 667900, 4242000; 667400, 4241600; 667400, 4241800; 666400, 4241700; 665400, 4241700; 665400, 4242700; 665000, 4242700; 665000, 4242300; 664800, 4242300; 664800, 4242200; 664700, 4242200; 664600, 4242100; 664500, 4242100; 664500, 4241300; 664000, 4241300; 664000, 4241000; 663500, 4241000; 663500, 4240900; 663400, 4240800; 663300, 4240800; 663300, 4240600; 663100, 4240600; 663100, 4240900; 662800, 4240900; 662800, 4240500; 662700, 4240900; 662700, 4240000; 662500, 4240000; 662500, 4239600; 662100, 4239600; 662100, 4239400; 662000, 4239300; 661700, 4239300; 661700, 4239000; 661400, 4239900; 661500, 4239900; 661500, 4241600; 661500, 4241900; 661700, 4242000; 662200, 4242000; 662200, 4241600; 662800, 4242300; 662500, 4242300; 662600, 4243000; 662900, 4243100; 663400, 4243100; 663400, 4243800; 663050, 4243800; 663029, 4243841; 663000, 4243900; 662500, 4243900; 662700, 4244700; 662850, 4244800; 663000, 4244900; 663100, 4245300; 663800, 4245300; 663900, 4245500; 664400, 4245600; 664500, 4245200; 664600, 4245200; 664750, 4245238; 664900, 4245275; 665000, 4245300; 664900, 4245700; 664900, 4246500; 664400, 4246500; 663900, 4246700; 662500, 4246300; 662233, 4246300; 662100, 4246400; 661700, 4246400; 661900, 4247000; 662000, 4247300; 661800, 4247500; 660900, 4247500; 660900, 4247140; 660850, 4247100; 659700, 4247100; 659500, 4247300; 659500, 4248300; 660000, 4248300; 659900, 4249600; 660000, 4249900; 659900, 4250200; 659400, 4249700; 659400, 4249500; 659300, 4249200; 659100, 4249000; 659100, 4248900; 659200, 4248800; 659100, 4248700; 658900, 4248700; 658800, 4248600; 658600, 4248600; 658500, 4248800; 658400, 4248900; 658200, 4249000; 658200, 4248900; 658300, 4248700; 658500, 4248500; 658500, 4248400; 658400, 4248300; 658400, 4247900; 658100, 4247900; 658000, 4248500; 656700, 4248500; 656300, 4248900; 655900, 4248200; 656100, 4248100; 656100, 4248000; 656000, 4247800; 655200, 4247800; 655200, 4247200; 654700, 4247200; 654700, 4248750; 654800, 4248900; 654700, 4249000; 655100, 4249000; 655800, 4249000; 656300, 4249700; 656600, 4249500; 657200, 4250200; 656700, 4251100; 657700, 4251100; 657700, 4251500; 656700, 4251400; 656700, 4252100; 656500, 4252300; 656500, 4252600; 657000, 4253700; 657400, 4254600; 657800, 4254300; 657800, 4254200; 657800, 4254200; 658100, 4254000; 658900, 4253500; 659000, 4253500; 659300, 4253300; 660000, 4254500; 660100, 4254800; 660200, 4254900; 660300, 4255200; 660600, 4255300; 660700, 4255400; 660800, 4256000; 660754, 4256046; 660777, 4256046; 661541, 4256060; 661554, 4255796; 661731, 4252263; 661736, 4252142; 662180, 4252172; 662313, 4252175; 662583, 4252191; 663009, 4252217; 663119, 4252198; 663221, 4252234; 663275, 4252290; 663311, 4252341; 663324, 4252290; 663344, 4252446; 663378, 4252511; 663390, 4252591; 663409, 4252710; 663437, 4252770; 663510, 4252890; 663546, 4252914; 663590, 4252922; 663630, 4252907; 663726, 4252900; 663761, 4252901; 663800, 4252916; 663817, 4252959; 663824, 4252991; 663760, 4253075; 663650, 4253199; 663651, 4253232; 663667, 4253286; 663741, 4253408; 663807, 4253488; 663832, 4253490; 663904, 4253486; 663962, 4253498; 664039, 4253560; 664088, 4253602; 664125, 4253617; 664219, 4253695; 664248, 4253699; 664313, 4253672; 664369, 4253606; 664471, 4253613; 664566, 4253675; 664591, 4253700; 664647, 4253753; 664752, 4253850; 664854, 4253953; 664868, 4254000; 664877, 4254124; 664856, 4254193; 664883, 4254238; 664977, 4254334; 665118, 4254420; 665174, 4254468; 665227, 4254492; 665313, 4254463; 665390, 4254424; 665514, 4254389; 665619, 4254438; 665656, 4254494; 665723, 4254546; 665757, 4254558; 665800, 4254553; 665853, 4254513; 665880, 4254493; 665956, 4254434; 665960, 4254402; 666029, 4254364; 666067, 4254367; 666114, 4254379; 666168, 4254392; 666236, 4254440; 666273, 4254448; 666310, 4254440; 666339, 4254435; 666417, 4254404; 666451, 4254362; 666491, 4254319; 666523, 4254309; 666581, 4254312; 666652, 4254306; 666705, 4254261; 666722, 4254230; 666740, 4254164; 666742, 4254084; 666763, 4253987; 666791, 4253947; 666826, 4253919; 666849, 4253913; 666914, 4253917; 666977, 4253951; 667057, 4253975; 667142, 4253997; 667253, 4253980; 667277, 4253964; 667302, 4253968; 667313, 4253981; 667315, 4254007; 667377, 4254034; 667482, 4254039; 667618, 4254026; 667801, 4253975; 667959, 4253881; 668167, 4253821; 668360, 4253834; 668422, 4253849; 668525, 4253837; 668643, 4253804; 668700, 4253743; 668799, 4253665; 668877, 4253610; 668998, 4253531; 669098, 4253487; 669171, 4253483;

669251, 4253471; 669328, 4253465;  
669399, 4253396; 669461, 4253324;  
669558, 4253276; 669619, 4253256;  
669665, 4253257; 669859, 4253247;  
670012, 4253179; 670143, 4253173;  
670241, 4253188; 670278, 4253185;  
670320, 4253159; 670371, 4253105;  
670419, 4253074; 670499, 4253007;  
670537, 4252992; 670594, 4252927;  
670626, 4252873; 670642, 4252848;  
670663, 4252843; 670712, 4252851;  
670732, 4252875; 670716, 4252907;  
670727, 4252921; 670756, 4252934;  
670807, 4252923; 670850, 4252924;  
670883, 4252896; 670912, 4252829;  
670949, 4252789; 670975, 4252773;  
671041, 4252762; 671109, 4252759;  
671191, 4252663; 671270, 4252568;  
671315, 4252537; 671376, 4252519;  
671438, 4252504; 671509, 4252465;  
671531, 4252448; 671559, 4252450;

671603, 4252490; 671631, 4252509;  
671674, 4252515; 671716, 4252510;  
671773, 4252503; 671827, 4252497;  
671848, 4252476; 671934, 4252419;  
671943, 4252426; 671963, 4252453;  
671990, 4252458; 672004, 4252435;  
672042, 4252400; 672107, 4252306;  
672117, 4252284; 672129, 4252256;  
672134, 4252244; 672152, 4252230;  
672159, 4252200; 672153, 4252190;  
672148, 4252180; 672110, 4252165;  
672104, 4252149; 672109, 4252101;  
672114, 4252080; 672113, 4252055;  
672107, 4251980; 672120, 4251908;  
672151, 4251893; 672177, 4251906;  
672185, 4251900; 672199, 4251865;  
672213, 4251830; 672245, 4251802;  
672263, 4251784; 672271, 4251775;  
672271, 4251787; 672265, 4252117;  
672263, 4252199; 672247, 4252916;  
672246, 4252941; 672231, 4253670;

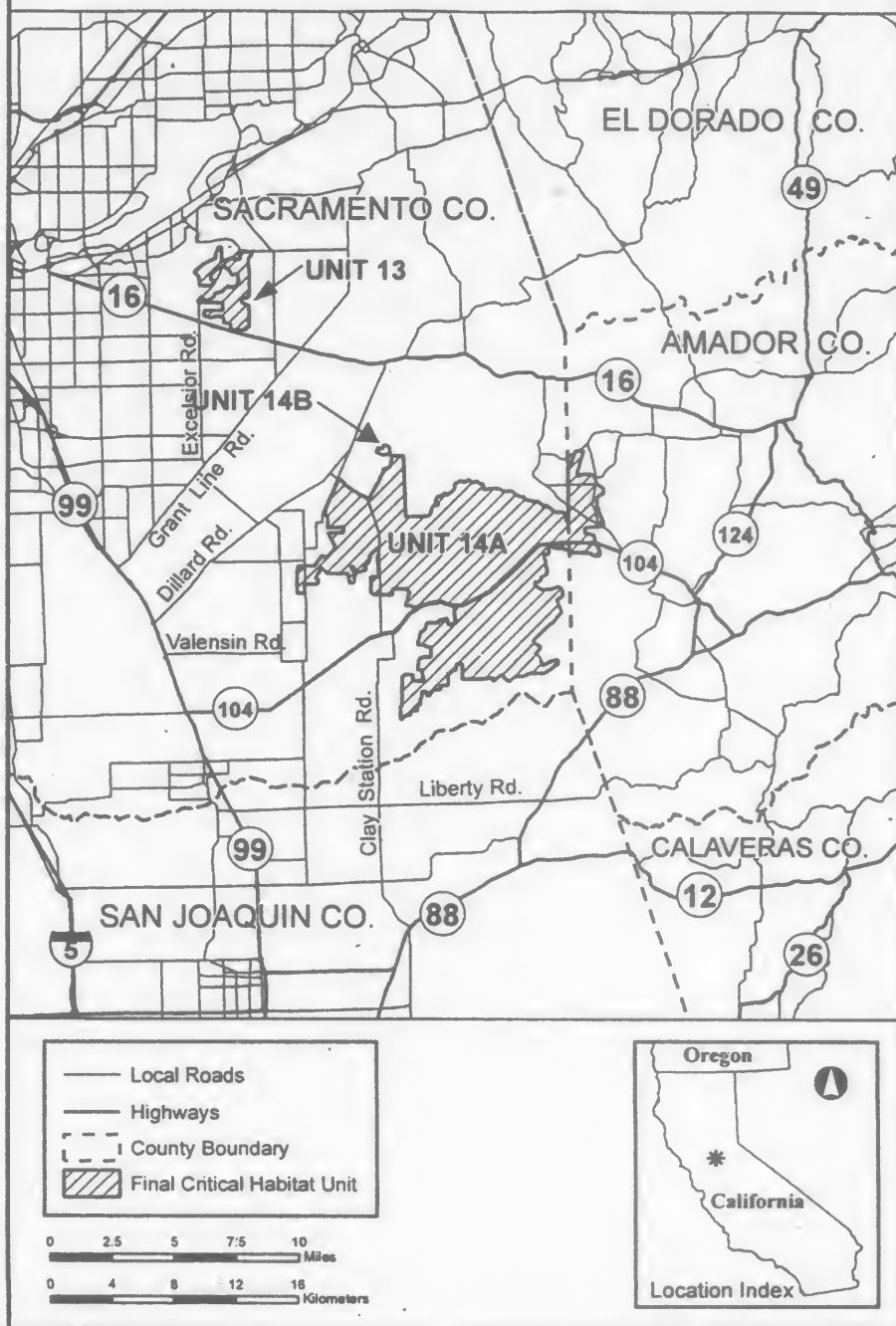
672225, 4253953; 672223, 4254006;  
672220, 4254157; 672219, 4254229;  
672217, 4254287; 672192, 4255610;  
672200, 4255600; 672400, 4255600;  
672700, 4256400; returning to 673200,  
4256400.

(ii) Unit 14B: Sacramento County, California. From USGS 1:24,000 scale quadrangle Sloughhouse. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 660660, 4256508; 660681, 4256119; 660600, 4256200; 660300, 4256100; 660000, 4256200; 659800, 4256300; 659850, 4256450; 659900, 4256600; 660200, 4256500; 660300, 4256800; 660515, 4256728; 660633, 4256644; 660645, 4256626; returning to 660660, 4256508.

(iii) Note: Units 13-14 (Map 4) follow:

BILLING CODE 4310-55-P

**Map 4. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Units 13 - 14**



BILLING CODE 4310-55-C

(19) Unit 16: Solano County, California.

(i) Unit 16A: Solano County, California. From USGS 1:24,000 scale quadrangle Elmira, Denverton, and Fairfield South. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 594915, 4234098; 594916, 4233314; 595044, 4233310; 595068, 4233296; 595131, 4233266;

595174, 4233226; 595189, 4233210;  
 595239, 4233151; 595322, 4232978;  
 595423, 4232778; 595483, 4232667;  
 595553, 4232524; 595699, 4232243;  
 595966, 4231717; 594927, 4231710;  
 594445, 4231707; 594409, 4231673;  
 594410, 4231616; 594434, 4231540;  
 594474, 4231494; 594495, 4231457;  
 594497, 4231414; 594510, 4231370;  
 594543, 4231356; 594575, 4231342;  
 594603, 4231341; 594614, 4231338;  
 594616, 4231325; 594618, 4231311;  
 594614, 4231290; 594605, 4231284;  
 594583, 4231275; 594573, 4231268;  
 594557, 4231245; 594550, 4231209;  
 594543, 4231179; 594500, 4231200;  
 593800, 4231200; 593600, 4230500;  
 593291, 4230515; 593291, 4230514;  
 593700, 4229900; 594000, 4229700;  
 593900, 4229600; 593900, 4229500;  
 594000, 4229400; 593900, 4229300;  
 593900, 4229100; 594300, 4229000;  
 594300, 4228500; 593700, 4228400;  
 593500, 4228100; 592800, 4228100;  
 592700, 4228000; 592600, 4228000;  
 592500, 4227900; 592200, 4227800;  
 592000, 4227500; 591700, 4227400;  
 591500, 4227200; 591200, 4227100;  
 590900, 4227000; 590700, 4227100;  
 590400, 4227100; 589400, 4227400;  
 589265, 4227400; 589026, 4227463;  
 588707, 4227579; 587979, 4227869;  
 587973, 4227872; 587467, 4228036;  
 587339, 4228077; 587009, 4228197;  
 586933, 4228334; 586900, 4228400;  
 586700, 4228500; 586600, 4229000;  
 586400, 4229100; 586200, 4229100;  
 586100, 4229300; 585400, 4229900;  
 585400, 4230100; 585500, 4230200;  
 585000, 4230300; 585100, 4230400;  
 585000, 4230500; 585111, 4230567;  
 585124, 4230550; 585327, 4230585;  
 585319, 4230629; 585295, 4230649;  
 585270, 4230662; 585500, 4230800;  
 585600, 4231100; 585903, 4231100;  
 585908, 4231071; 585926, 4231064;  
 585956, 4231058; 586038, 4231061;  
 586045, 4231073; 586045, 4231088;  
 586027, 4231096; 586022, 4231100;  
 586267, 4231100; 586273, 4231084;

586323, 4231038; 586340, 4230994;  
 587435, 4231016; 587882, 4231052;  
 587967, 4231111; 587991, 4231124;  
 588015, 4231126; 588034, 4231123;  
 588075, 4231099; 588085, 4231097;  
 588116, 4231095; 588700, 4230900;  
 588842, 4230900; 588842, 4230900;  
 588925, 4230897; 588989, 4230899;  
 589090, 4230913; 589179, 4230901;  
 589179, 4230901; 589240, 4230894;  
 589274, 4230890; 589315, 4230894;  
 589321, 4230909; 589313, 4231179;  
 589015, 4231215; 589100, 4231300;  
 589100, 4231700; 588600, 4231600;  
 588440, 4231680; 588417, 4232400;  
 588500, 4232400; 588500, 4232500;  
 588600, 4232500; 588600, 4232800;  
 588400, 4233000; 588600, 4233300;  
 588700, 4233500; 589300, 4233500;  
 589983, 4233500; 590000, 4233500;  
 590100, 4233500; 590100, 4233300;  
 590600, 4233300; 591100, 4232800;  
 591138, 4232825; 591143, 4232820;  
 591184, 4232856; 591700, 4233200;  
 592513, 4233290; 592594, 4233291;  
 592594, 4233299; 592600, 4233300;  
 592600, 4233800; 592900, 4233700;  
 592900, 4233751; 592901, 4233751;  
 592900, 4233754; 592900, 4233800;  
 593400, 4234100; 594200, 4234100;  
 594300, 4234900; 594500, 4234900;  
 594890, 4235396; returning to 594915,  
 4234098.  
 (ii) Unit 16B: Solano County,  
 California. From USGS 1:24,000 scale  
 quadrangle Elmira and Denverton. Land  
 bounded by the following UTM Zone  
 10, NAD 83 coordinates (E,N): 589698,  
 4236560; 589600, 4234900; 589700,  
 4234900; 589700, 4234500; 590100,  
 4234500; 590100, 4234064; 590100,  
 4234000; 589400, 4234000; 589000,  
 4234400; 588500, 4234400; 588500,  
 4236400; 588549, 4236449; 588944,  
 4236551; 589524, 4236558; 589670,  
 4236559; returning to 589698, 4236560.  
 (iii) Unit 16C: Solano County,  
 California. From USGS 1:24,000 scale  
 quadrangle Elmira. Land bounded by  
 the following UTM Zone 10, NAD 83

coordinates (E,N): 593200, 4242200;  
 593200, 4240600; 593211, 4240600;  
 593255, 4239807; 592030, 4239793;  
 592062, 4240126; 592044, 4240137;  
 592026, 4240170; 592026, 4240181;  
 592030, 4240261; 592300, 4240800;  
 592100, 4240800; 591800, 4241000;  
 591700, 4241100; 591600, 4241200;  
 591600, 4241300; 591600, 4241700;  
 591700, 4241700; 591800, 4241600;  
 591900, 4241600; 592000, 4241500;  
 592200, 4241300; 592300, 4240900;  
 returning to 593200, 4242200.

(iv) Unit 16D: Solano County,  
 California. From USGS 1:24,000 scale  
 quadrangle Dozier. Land bounded by  
 the following UTM Zone 10, NAD 83  
 coordinates (E,N): 600400, 4243000;  
 600400, 4242200; 601300, 4242200;  
 601300, 4241416; 601002, 4241415;  
 600878, 4241415; 600446, 4241414;  
 600021, 4241414; 599000, 4241412;  
 599000, 4242300; 599600, 4242300;  
 599600, 4243000; returning to 600400,  
 4243000.

(20) Unit 17: Napa County, California.  
 From USGS 1:24,000 scale quadrangle  
 Cuttings Wharf. Land bounded by the  
 following UTM Zone 10, NAD 83  
 coordinates (E,N): 563200, 4230600;  
 563800, 4229500; 564100, 4229600;  
 564300, 4229200; 563200, 4228900;  
 563000, 4228900; 562800, 4228500;  
 562622, 4228500; 562261, 4228644;  
 561890, 4228781; 561756, 4228832;  
 561798, 4228870; 561864, 4228920;  
 562198, 4229067; 562156, 4229301;  
 562420, 4229359; 562483, 4229527;  
 562531, 4229524; 562620, 4229552;  
 562652, 4229575; 562655, 4229641;  
 562604, 4229686; 562537, 4229781;  
 562480, 4229857; 562528, 4230295;  
 562458, 4230498; 562480, 4230568;  
 562477, 4230610; 562477, 4230692;  
 562464, 4230746; 562476, 4230800;  
 562500, 4230800; 563200, 4230900;  
 returning to 563200, 4230600.

(21) Note: Units 16–17 (Map 5) follow:  
 BILLING CODE 4310-55-P



**Map 5. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Units 16 - 17**



BILLING CODE 4310-55-C

(22) Unit 18: San Joaquin County, California. From USGS 1:24,000 scale quadrangle Valley Springs SW, Linden,

Farmington, and Peters. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 676000, 4212400; 676600, 4211200; 676300, 4211200;

676400, 4211000; 676300, 4210600; 676200, 4210500; 676100, 4210500; 675800, 4210300; 675600, 4210200; 675700, 4210000; 675900, 4209700;

675900, 4209600; 676500, 4209600;  
 676700, 4210100; 676700, 4210800;  
 676800, 4210900; 677200, 4211300;  
 678700, 4211300; 678800, 4210500;  
 680200, 4210400; 680200, 4209700;  
 681100, 4209700; 681800, 4210300;  
 682002, 4210263; 682013, 4209755;  
 682023, 4209287; 681500, 4209100;  
 681300, 4208500; 680800, 4208400;  
 680800, 4203300; 680500, 4205700;  
 680400, 4205100; 679700, 4204600;  
 679700, 4203300; 679200, 4203300;  
 679200, 4203400; 679000, 4203400;  
 679000, 4203300; 678500, 4203300;  
 678400, 4203100; 678300, 4203100;  
 678300, 4203000; 678400, 4202900;  
 678400, 4202700; 677700, 4202200;  
 677600, 4201700; 677500, 4201700;  
 677425, 4201625; 677367, 4201600;  
 675800, 4201600; 675700, 4203000;  
 675900, 4203000; 675900, 4203200;  
 675700, 4203200; 675700, 4204800;  
 672500, 4204700; 672500, 4205600;  
 672800, 4205800; 672800, 4206300;  
 672100, 4206300; 672100, 4206500;  
 671800, 4206500; 671600, 4206700;  
 671600, 4207100; 673200, 4207100;  
 673200, 4207400; 674000, 4207400;  
 674000, 4207700; 674700, 4207500;  
 674700, 4207200; 675100, 4207200;  
 675600, 4207400; 675600, 4208100;  
 675300, 4208100; 675300, 4208000;  
 674500, 4208000; 674400, 4208100;  
 674200, 4208200; 673930, 4208380;  
 673907, 4208701; 674800, 4208800;  
 674700, 4209300; 674600, 4209300;  
 674600, 4209600; 673900, 4209600;  
 673900, 4209800; 673500, 4209700;  
 673200, 4209600; 673200, 4209500;  
 673100, 4209500; 673100, 4211900;  
 673500, 4211800; 673900, 4211700;  
 673900, 4211400; 674100, 4211400;  
 674100, 4211500; 674300, 4211500;  
 674300, 4211600; 674900, 4211400;  
 675200, 4211500; 675200, 4211700;  
 675300, 4211800; 675300, 4211867;  
 675350, 4211900; 675500, 4211900;  
 675500, 4212000; 675500, 4212400;  
 returning to 676000, 4212400;

(23) Unit 19: Contra Costa County, California.

(i) Unit 19A: Contra Costa County, California. From USGS 1:24,000 scale quadrangle Brentwood and Antioch

South. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 612500, 4195900; 611700, 4194500; 611700, 4194300; 611400, 4193400; 610900, 4193500; 610200, 4193700; 609900, 4193900; 609700, 4194000; 609100, 4194000; 608100, 4194300; 608500, 4194900; 608400, 4195100; 608600, 4195300; 608600, 4195900; 609600, 4195900; 609500, 4195600; 609200, 4195100; 609200, 4195000; 609300, 4194900; 609900, 4194800; 610200, 4194800; 610500, 4195100; 611200, 4195900; 612100, 4196300; returning to 612500, 4195900;

(ii) Unit 19B: Contra Costa County, California. From USGS 1:24,000 scale quadrangle Clifton Court Forebay and Byron Hot Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 621800, 4191200; 622200, 4190700; 622275, 4190400; 622400, 4189900; 623000, 4189300; 622900, 4188700; 622200, 4188700; 622100, 4188800; 621900, 4189000; 621700, 4189300; 621400, 4189700; 621200, 4190000; 621200, 4190400; 621100, 4190400; 621100, 4188700; 620900, 4188700; 620600, 4188400; 620400, 4188600; 620400, 4188100; 620500, 4187900; 620600, 4187800; 620700, 4187700; 620900, 4187700; 621100, 4187500; 620500, 4187100; 620500, 4186900; 621319, 4187272; 621338, 4187281; 621600, 4187400; 622000, 4187000; 622400, 4186400; 622600, 4186100; 622500, 4186000; 622500, 4185800; 622000, 4185300; 621200, 4185300; 621000, 4185500; 620800, 4185500; 620500, 4185200; 620200, 4185300; 619900, 4185600; 619600, 4185500; 619400, 4185700; 618200, 4186600; 618100, 4187100; 617700, 4187400; 617800, 4187900; 618200, 4188100; 618500, 4188300; 618400, 4188600; 617700, 4188800; 617800, 4188900; 617618, 4188855; 617400, 4189000; 617400, 4189200; 618200, 4189500; 618100, 4189800; 618200, 4190100; 618700, 4190300; 618700, 4190700; 619000, 4191000; 619300, 4191100; 619600, 4191100; 619800, 4190700; 619900, 4190700; 620100, 4190900; 620400, 4190900;

620400, 4190900; 620500, 4191200; returning to 621800, 4191200;

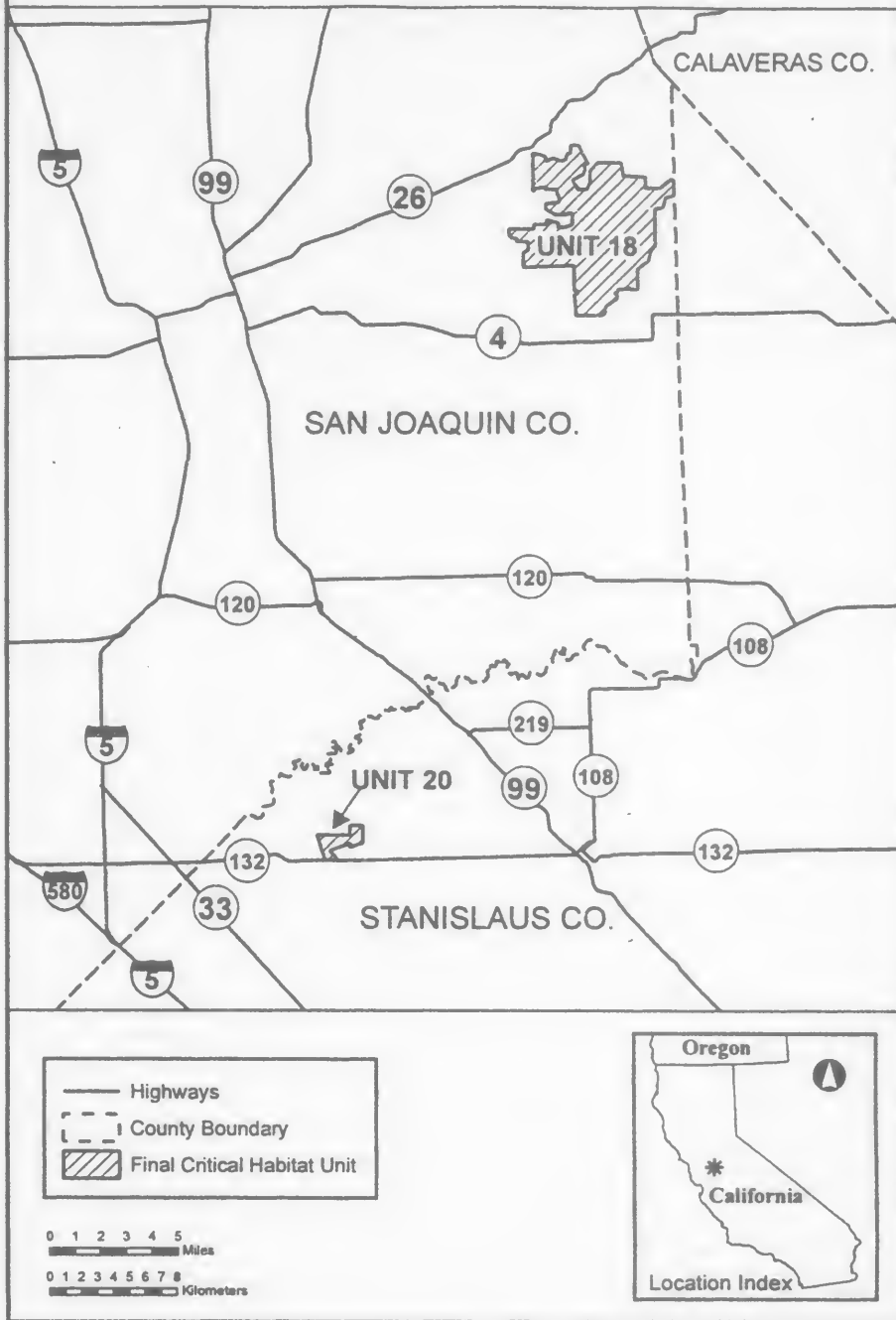
(iii) Unit 19C: Alameda County, California. From USGS 1:24,000 scale quadrangle Altamont and Livermore. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 610800, 4177500; 610800, 4177200; 611200, 4177200; 611900, 4176700; 612300, 4176700; 612400, 4176700; 612400, 4177200; 613300, 4177200; 613300, 4177200; 613400, 4177000; 613300, 4176900; 613300, 4176800; 613300, 4176700; 613200, 4176700; 613200, 4176300; 613400, 4176300; 613400, 4176200; 613500, 4176200; 613500, 4176300; 613600, 4176400; 613700, 4176600; 614400, 4175500; 614300, 4175400; 614200, 4175400; 614100, 4175300; 614000, 4175300; 613900, 4175200; 613800, 4175100; 613700, 4175100; 613700, 4175200; 613600, 4175200; 613600, 4176100; 613300, 4176100; 613200, 4175900; 613100, 4175900; 612800, 4176100; 612700, 4176100; 612500, 4175900; 612400, 4175900; 612400, 4176300; 612100, 4176300; 612100, 4176400; 612000, 4176500; 611800, 4176500; 611600, 4176500; 611600, 4175300; 611400, 4175300; 611200, 4175400; 610900, 4175400; 610800, 4175900; 610400, 4175900; 610300, 4175200; 610200, 4175100; 610000, 4175000; 610000, 4174800; 609100, 4175400; 608600, 4175600; 608400, 4175900; 610000, 4175900; 610000, 4176500; 610400, 4176500; 610400, 4178500; 610800, 4178300; returning to 610800, 4177500;

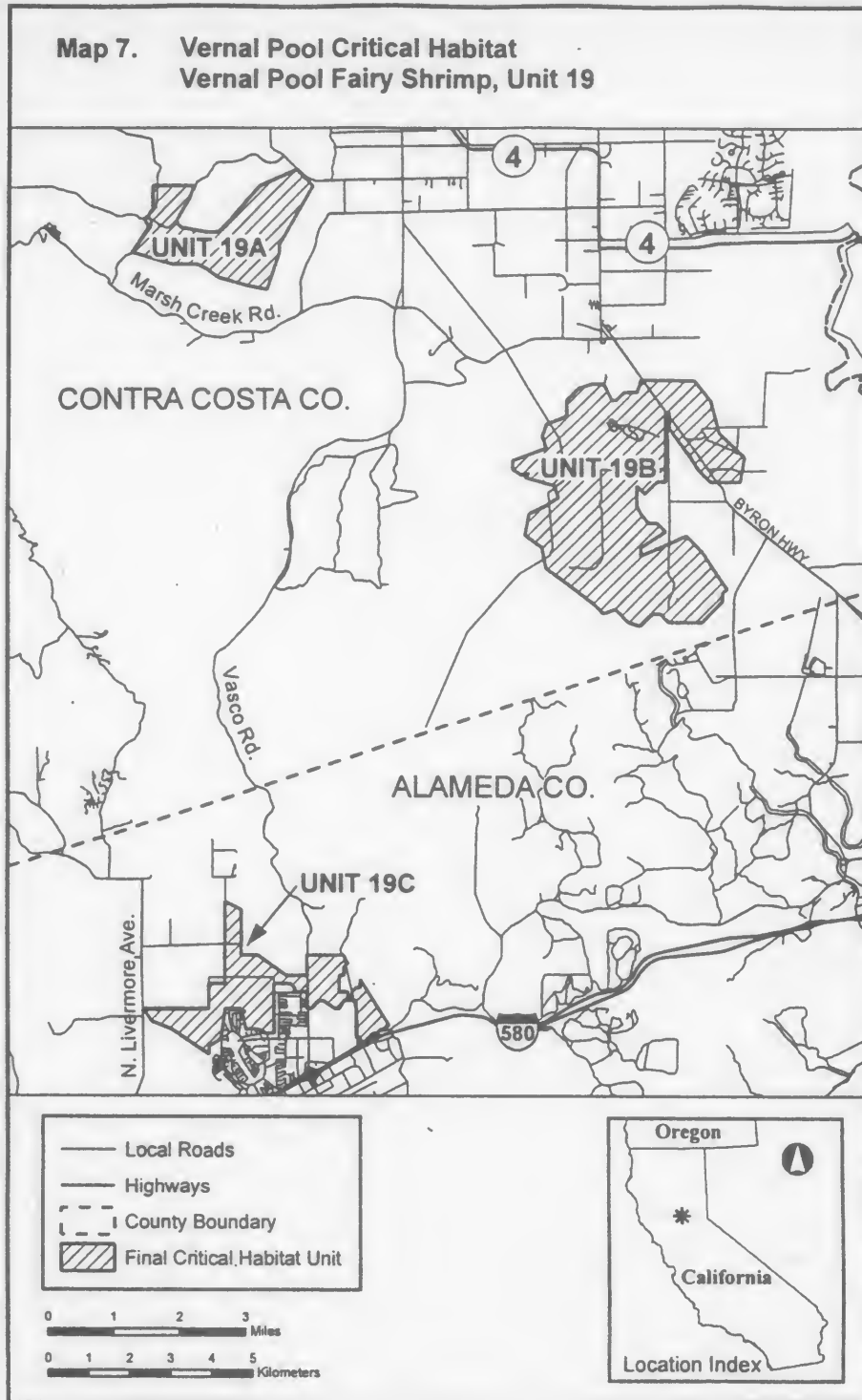
(24) Unit 20: Stanislaus County, California. From USGS 1:24,000 scale quadrangle Ripon. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 662400, 4168300; 661600, 4168000; 661600, 4168300; 660300, 4167800; 660600, 4167500; 660800, 4167200; 660000, 4167200; 659500, 4168800; 661600, 4168800; 661600, 4169400; 662400, 4169400; returning to 662400, 4168300;

(25) Note: Maps of Units 18, 19, and 20 (Maps 6 and 7) follow:

BILLING CODE 4310-55-P

**Map 6. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Units 18 and 20**





BILLING CODE 4310-55-C

(26) Unit 21: Stanislaus County, California.

(i) Unit 21A: Stanislaus County, California. From USGS 1:24,000 scale quadrangle Paulsell and Montpelier. Land bounded by the following UTM

Zone 10, NAD 83 coordinates (E,N):  
704200, 4166200; 704000, 4166200;  
703800, 4166400; 703400, 4166600;  
703400, 4166800; 703500, 4166800;

703600, 4166900; 703700, 4167000;  
703700, 4167200; 704600, 4167600;  
704700, 4167600; 704800, 4167500;  
705000, 4167400; 705300, 4167400;  
705300, 4166400; 705000, 4166300;  
704400, 4166300; returning to 704200,  
4166200;

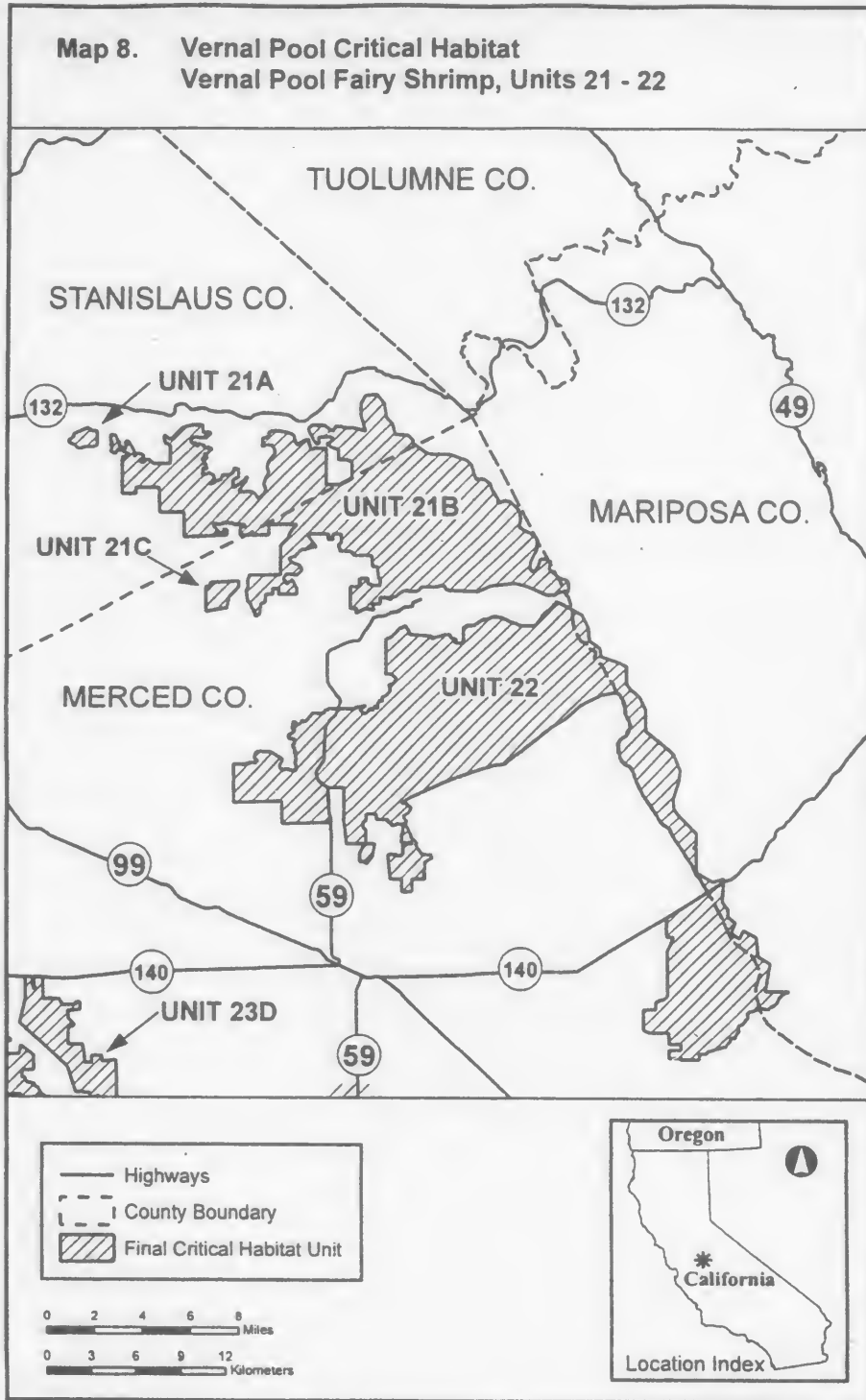
(ii) Unit 21B: Stanislaus, Merced, and  
Mariposa Counties, California. From  
USGS 1:24,000 scale quadrangle La  
Grange, Cooperstown, Paulsell, Turlock  
Lake, Snelling, Montpelier and Merced  
Falls. Land bounded by the following  
UTM Zone 10, NAD 83 coordinates  
(E,N): 725100, 4167900; 725300,  
4167200; 726200, 4167100; 726500,  
4166800; 726500, 4166600; 726727,  
4166429; 727300, 4166000; 727700,  
4165800; 729000, 4165800; 730100,  
4165400; 730400, 4165100; 730500,  
4164900; 730700, 4164100; 731300,  
4164100; 731700, 4163800; 731800,  
4163400; 732200, 4162800; 732200,  
4162500; 732700, 4162700; 733000,  
4162600; 733600, 4162100; 733700,  
4161500; 733600, 4161000; 734600,  
4160400; 734727, 4160273; 734800,  
4160200; 734800, 4160135; 734800,  
4159500; 734400, 4158700; 734300,  
4158100; 734500, 4157900; 734700,  
4158000; 734900, 4158300; 735000,  
4158800; 735500, 4158800; 735505,  
4158795; 735700, 4158600; 735674,  
4158472; 735600, 4158100; 736171,  
4157529; 736200, 4157500; 736800,  
4157300; 736900, 4157100; 736900,  
4156500; 736712, 4156500; 736300,  
4156500; 736000, 4156300; 735500,  
4156300; 734100, 4156900; 733400,  
4157100; 731700, 4156900; 730900,  
4156500; 728900, 4156600; 728700,  
4156700; 728700, 4156800; 728600,  
4156900; 728300, 4156900; 728100,  
4156800; 727900, 4156800; 727100,  
4156800; 726900, 4156600; 726700,  
4156500; 726300, 4156500; 726100,  
4156600; 725800, 4156500; 725600,  
4156400; 725500, 4156300; 725400,  
4156200; 725100, 4156100; 725000,  
4156000; 724900, 4156000; 724800,  
4156100; 724300, 4156100; 724300,  
4155700; 723800, 4155700; 723900,  
4155300; 723300, 4155400; 722700,  
4155100; 722700, 4155400; 722300,  
4155400; 722300, 4156800; 722900,  
4156800; 722900, 4157400; 723500,  
4157400; 723500, 4157000; 723700,  
4157000; 723700, 4156900; 724300,  
4156900; 724300, 4157400; 724200,  
4157400; 724200, 4157400; 724100,  
4158200; 723800, 4158200; 723700,  
4159000; 722500, 4159000; 722500,  
4159200; 722400, 4159200; 722300,  
4159300; 722200, 4159300; 721600,  
4159300; 721600, 4159500; 721500,  
4159600; 721500, 4159800; 721600,  
4159800; 721600, 4159900; 721700,  
4159900; 721700, 4160500; 721100,  
4160500; 721100, 4160100; 720800,  
4160100; 720800, 4160500; 719500,  
4160500; 719500, 4160300; 720000,  
4159600; 719600, 4159600; 719600,  
4159500; 719500, 4159500; 719400,  
4159500; 719300, 4159400; 719100,  
4159400; 719000, 4159400; 718900,  
4159300; 718700, 4159100; 718600,  
4159000; 718600, 4158900; 718400,  
4158900; 718200, 4158800; 718200,  
4158700; 718300, 4158600; 718400,  
4158500; 718500, 4158500; 718600,  
4158400; 718700, 4158400; 718900,  
4158300; 719000, 4158100; 719000,  
4157900; 718700, 4157600; 718000,  
4157700; 717800, 4157400; 717900,  
4157200; 718000, 4157000; 718400,  
4157300; 718700, 4156700; 718700,  
4156300; 717500, 4156300; 717500,  
4156700; 717100, 4156700; 717100,  
4156300; 716600, 4156300; 716600,  
4155800; 716300, 4155700; 716200,  
4155000; 715900, 4154900; 715900,  
4155100; 715800, 4155200; 715800,  
4155300; 715700, 4155400; 715600,  
4155700; 715500, 4155800; 715400,  
4155800; 715300, 4156600; 715400,  
4156600; 715400, 4157200; 715400,  
4157400; 715500, 4157400; 715500,  
4157600; 717600, 4157600; 717600,  
4159700; 718100, 4160200; 718200,  
4160500; 718400, 4160800; 718700,  
4161100; 716800, 4161100; 716800,  
4160400; 715253, 4160400; 714900,  
4160400; 714900, 4160900; 715000,  
4160900; 715000, 4161000; 715200,  
4161000; 715200, 4161000; 714400,  
4161100; 714400, 4161200; 713700,  
4161200; 713700, 4161100; 713300,  
4161100; 713200, 4161200; 713100,  
4161100; 713100, 4161000; 713400,  
4160700; 713400, 4160600; 713600,  
4160500; 713800, 4160800; 713900,  
4160800; 714000, 4160700; 714000,  
4160400; 711133, 4160301; 711100,  
4161900; 709500, 4161900; 709500,  
4163500; 707900, 4163500; 707900,  
4163100; 707000, 4163100; 707000,  
4165600; 707400, 4165600; 707400,  
4165800; 706700, 4166100; 706500,  
4165800; 706200, 4166000; 706300,  
4166300; 706200, 4166400; 706200,  
4166500; 706300, 4166500; 706300,  
4166700; 706200, 4166700; 706200,  
4167100; 706500, 4167100; 706700,  
4166700; 706800, 4166700; 706800,  
4166300; 707000, 4166300; 707000,  
4166100; 707200, 4166100; 707200,  
4166700; 707400, 4166700; 707800,  
4166000; 707800, 4165600; 708000,  
4165800; 708200, 4165800; 708400,  
4165700; 708400, 4165500; 708200,  
4165400; 708200, 4165300; 708300,  
4165200; 708400, 4165200; 708500,  
4165300; 708600, 4165400; 708800,  
4165400; 709100, 4165100; 710200,  
4165100; 710200, 4166400; 710100,  
4166400; 710100, 4166500; 710000,  
4166500; 709900, 4166500; 709900,  
4166700; 709800, 4166700; 709800,  
4167100; 710200, 4166800; 711000,  
4167600; 711600, 4167800; 712400,  
4167800; 712400, 4167300; 712900,  
4167300; 712900, 4167200; 712600,  
4166900; 711800, 4167000; 711600,  
4166800; 711600, 4166600; 711800,  
4166500; 711800, 4166600; 711900,  
4166600; 712000, 4166300; 712100,  
4166500; 712200, 4166500; 712300,  
4166400; 712500, 4166400; 712500,  
4166200; 712700, 4166200; 712700,  
4166300; 712800, 4166300; 713000,  
4166100; 712923, 4166062; 712800,  
4166000; 712700, 4165800; 712500,  
4165800; 712500, 4165600; 712700,  
4165600; 712600, 4165400; 712400,  
4165500; 712300, 4165400; 712500,  
4165300; 712500, 4165200; 712400,  
4165100; 712600, 4165100; 712600,  
4165000; 712600, 4164900; 712700,  
4164800; 712600, 4164700; 712500,  
4164800; 712400, 4164800; 712400,  
4164300; 712800, 4164500; 713100,  
4164300; 713200, 4164100; 712900,  
4163800; 712900, 4163700; 713100,  
4163800; 713500, 4164000; 713600,  
4164000; 713600, 4164100; 713700,  
4164300; 714200, 4164300; 714400,  
4164500; 714500, 4164800; 714600,  
4164800; 714800, 4164700; 714800,  
4164200; 714400, 4164000; 714400,  
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4163200; 715700, 4163200; 715900,  
4163100; 716000, 4162900; 716100,  
4162800; 716200, 4162800; 716300,  
4162900; 716400, 4163000; 716500,  
4163100; 716600, 4163200; 716600,  
4163500; 716500, 4163600; 716500,  
4163800; 716600, 4164100; 716800,  
4164500; 716700, 4164900; 716800,  
4165300; 717200, 4165800; 717200,  
4166100; 717000, 4166400; 716600,  
4166400; 716400, 4166300; 716400,  
4166900; 716600, 4166900; 716800,  
4167100; 716800, 4167300; 717000,  
4167400; 717500, 4167400; 718100,  
4167300; 718500, 4167100; 718600,  
4166600; 718700, 4166400; 719100,  
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4166800; 719500, 4166500; 719600,  
4166400; 719600, 4166100; 719800,  
4166100; 719900, 4166300; 719900,  
4166200; 720700, 4166200; 720700,  
4163700; 721533, 4163700; 721700,  
4163700; 722400, 4164100; 722400,  
4164155; 722400, 4165300; 722200,  
4165300; 722200, 4165400; 721500,  
4165400; 721500, 4166100; 721000,  
4166300; 720700, 4166500; 720900,  
4166600; 721000, 4166700; 721100,  
4166900; 721000, 4167000; 720300,  
4167000; 720100, 4166900; 720200,

4166700; 720200, e 55°4166600; 720100, 4166500; 720000, 4166500;  
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 719500, 4167600; 719700, 4167800;  
 720500, 4167800; 720700, 4167700;  
 720900, 4167500; 721100, 4167400;  
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 722900, 4167500; 723300, 4167400;  
 723000, 4168400; 723000, 4169200;  
 723300, 4169700; 723800, 4169800;  
 724100, 4169800; 724600, 4169200;  
 724700, 4168300; returning to  
 725100, 4167900;  
 (iii) Unit 21C: Merced County,  
 California. From USGS 1:24,000 scale  
 quadrangle Turlock Lake. Land bounded  
 by the following UTM Zone 10, NAD 83  
 coordinates (E,N): 713800, 4155400;  
 712600, 4155200; 712600, 4156800;  
 712900, 4156800; 712900, 4157100;  
 714800, 4157200; 714800, 4156800;  
 714300, 4156300; 714200, 4156200;  
 714000, 4155500; 714000, 4155400;  
 returning to 713800, 4155400;  
 (27) Unit 22: Merced County,  
 California. From USGS 1:24,000 scale  
 quadrangle Merced Falls, Snelling,  
 Indian Gulch, Haystack Mtn., Yosemite  
 Lake, Winton, Owens Reservoir,  
 Planada, Le Grand, Plainsburg, and  
 Merced. Land bounded by the following  
 UTM Zone 10, NAD 83 coordinates  
 (E,N): 737800, 4155000;  
 738200, 4154200; 738300, 4153300;  
 739000, 4152800; 739100, 4152200;  
 740200, 4151800; 740800, 4151500;  
 740800, 4150300; 741100, 4149900;  
 741700, 4149400; 742100, 4148500;  
 742100, 4147100; 743400, 4146100;  
 744000, 4145600; 744400, 4144600;  
 744300, 4143900; 743900, 4142700;  
 744000, 4142000; 744200, 4141700;  
 745500, 4140300; 745500, 4139600;  
 745500, 4139576; 745500, 4139500;  
 745432, 4139432; 745400, 4139400;  
 745339, 4139307; 745338, 4139306;  
 745334, 4139300; 745500, 4139300;  
 745500, 4139100; 745500, 4137700;  
 746600, 4137100; 747300, 4137300;  
 747200, 4135800; 747600, 4135300;  
 747600, 4134800; 748100, 4134400;  
 747800, 4133700; 748400, 4133300;  
 748600, 4133900; 749500, 4133400;  
 749600, 4132100; 750400, 4131600;  
 750100, 4129800; 751693, 4129800;  
 751681, 4129794; 751664, 4129785;  
 751654, 4129772; 751560, 4129753;  
 751457, 4129733; 751416, 4129705;  
 751410, 4129701; 751400, 4129700;  
 751399, 4129700; 751326, 4129693;  
 751299, 4129685; 751191, 4129530;  
 751123, 4129507; 751088, 4129488;  
 751053, 4129470; 751004, 4129410;  
 751002, 4129402; 750955, 4129261;  
 750909, 4129180; 750848, 4129037;  
 750790, 4128977; 750766, 4128953;  
 750609, 4128861; 750506, 4128806;  
 750420, 4128760; 750409, 4128754;  
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721100,4141100; 721000,4141000;  
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719000,4147500; 719100,4147700;  
719300,4147600; 719600,4147900;  
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727900,4153400; 727900,4153500;  
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729800,4153100; 729900,4153200;  
729900,4154200; 730000,4154200;  
730100,4154300; 730600,4154300;  
730700,4154400; 731000,4154600;  
731200,4154700; 731500,4154700;  
731800,4154900; 732200,4154900;  
732600,4154800; 733200,4154500;  
733400,4154500; 733700,4154300;  
734700,4154300; 734900,4154600;  
735100,4154800; 735100,4154900;  
735500,4155300; 735600,4155300;  
735800,4155500; 736100,4155900;  
737100,4155400; 737157,4155367;  
returning to 737800,4155000;

(28) Note: Units 21–22 (Map 8) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(29) Unit 23: Merced County, California

(i) Unit 23A: Merced County, California. From USGS 1:24,000 scale quadrangle Stevinson, Gustine, and San Luis Ranch. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 688300, 4129000; 688600, 4128800; 689100, 4128900; 689200, 4128800; 689400, 4128600;



689800, 4128500; 689900, 4128300; 690200, 4128300; 690400, 4128200; 690500, 4128000; 690600, 4125500; 692700, 4125500; 693200, 4125000; 693100, 4124800; 693100, 4124400; 693300, 4123700; 693600, 4123400; 693800, 4123000; 694000, 4122900; 694079, 4122821; 694035, 4122790; 692453, 4121671; 692300, 4121900; 692200, 4122000; 692200, 4122500; 692100, 4122700; 691800, 4122800; 691400, 4122800; 691261, 4123079; 691262, 4123097; 691263, 4123113; 691267, 4123155; 691273, 4123198; 691267, 4123238; 691248, 4123272; 691217, 4123291; 691200, 4123294; 691200, 4123500; 691110, 4123679; 691126, 4123677; 691149, 4123682; 691156, 4123694; 691166, 4123718; 691177, 4123739; 691191, 4123771; 691193, 4123793; 691200, 4123800; 691195, 4123810; 691201, 4123850; 691215, 4123892; 691220, 4123942; 691214, 4123980; 691192, 4124020; 691171, 4124049; 691150, 4124072; 691127, 4124089; 691099, 4124095; 691071, 4124095; 691055, 4124090; 690900, 4124400; 690559, 4124400; 690559, 4124402; 690569, 4124417; 690582, 4124427; 690582, 4124447; 690576, 4124466; 690563, 4124483; 690546, 4124493; 690525, 4124502; 690523, 4124502; 690523, 4124519; 690500, 4124524; 690475, 4124530; 690469, 4124538; 690445, 4124570; 690388, 4124590; 690353, 4124592; 690180, 4124650; 690127, 4124689; 690083, 4124695; 690025, 4124783; 690020, 4124854; 689996, 4124900; 689988, 4125006; 689952, 4125056; 689912, 4125095; 689856, 4125119; 689819, 4125184; 689788, 4125210; 689747, 4125229; 689700, 4125300; 689658, 4125595; 689665, 4125595; 689672, 4125603; 689645, 4125757; 689630, 4125793; 689600, 4126000; 689700, 4126200; 689600, 4126600; 689400, 4126600; 689275, 4126538; 689239, 4126581; 689188, 4126664; 689134, 4126678; 689121, 4126682; 689069, 4126728; 689067, 4126852; 689020, 4126961; 688990, 4126993; 688911, 4126978; 688903, 4126995; 688913, 4127006; 689100, 4127100; 689024, 4127195; 689025, 4127207; 688949, 4127292; 688931, 4127324; 688922, 4127322; 688854, 4127407; 688823, 4127454; 688780, 4127503; 688735, 4127581; 688723, 4127621; 688696, 4127650; 688684, 4128244; 688193, 4128235; 688100, 4128700; returning to 688300, 4129000;

(ii) Unit 23B: Merced County, California. From USGS 1:24,000 scale quadrangle Stevinson and San Luis Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 695400, 4125600; 695500,

4122000; 694900, 4122400; 694700, 4122700; 694500, 4122900; 694500, 4123100; 694100, 4123400; 693800, 4123500; 693800, 4123800; 693500, 4123900; 693500, 4124500; 693700, 4124700; 693800, 4125000; 693600, 4125200; 693400, 4125300; 693122, 4125670; 693100, 4125700; 693146, 4125746; 693200, 4125800; 693700, 4125900; 693700, 4127300; 693800, 4127300; 693900, 4127000; 694200, 4126900; 694600, 4126400; 694600, 4126200; 694700, 4126000; 695179, 4125726; returning to 695400, 4125600;

(iii) Unit 23C: Merced County, California. From USGS 1:24,000 scale quadrangle Arena, Stevinson, Turner Ranch, and San Luis Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 699300, 4126300; 699300, 4125400; 700100, 4125400; 700200, 4126000; 700600, 4125700; 701100, 4125300; 701100, 4124300; 700300, 4124300; 700300, 4123800; 700500, 4123800; 700600, 4123500; 701100, 4123400; 701200, 4123200; 701400, 4123100; 701600, 4122700; 701900, 4122500; 702600, 4122200; 702870, 4121705; 703200, 4121100; 703900, 4120500; 704600, 4119800; 704600, 4119800; 704700, 4119700; 698900, 4119600; 698800, 4119700; 698543, 4119957; 698558, 4119970; 698501, 4120012; 698504, 4120069; 698626, 4120197; 698662, 4120077; 698694, 4120113; 698668, 4121116; 698663, 4121510; 698594, 4121508; 698600, 4121600; 699900, 4121600; 700000, 4120400; 700200, 4120400; 700200, 4122700; 697000, 4122600; 696900, 4125100; 697700, 4125100; 697700, 4125300; 697600, 4125400; 697700, 4125600; 698000, 4125700; 698200, 4125800; 698300, 4126100; 698700, 4126500; 699500, 4126500; 699600, 4126300; returning to 699300, 4126300;

(iv) Unit 23D: Merced County, California. From USGS 1:24,000 scale quadrangle Arena and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 706800, 4120900; 706700, 4120500; 706700, 4119700; 708100, 4119700; 708100, 4119600; 708000, 4119500; 707900, 4119200; 707900, 4119000; 708000, 4118900; 708300, 4118900; 708300, 4118100; 707900, 4118100; 707500, 4118500; 706500, 4118500; 706000, 4118900; 705600, 4119300; 705200, 4119700; 704800, 4120000; 704700, 4120100; 704700, 4120400; 705100, 4120400; 705100, 4120700; 704900, 4120800; 705100, 4120800; 704900, 4121000; 705000, 4121100; 705100, 4121700; 705200, 4121700; 705300, 4122000; 705700, 4122100; 705700, 4122200; 705400, 4122300;

705300, 4122400; 705500, 4122600; 705400, 4122600; 705300, 4122500; 705200, 4122500; 705100, 4122500; 704900, 4122500; 704900, 4122700; 704800, 4122800; 704500, 4122800; 704300, 4122900; 704000, 4122800; 703900, 4122900; 703400, 4124400; 703300, 4124600; 701300, 4126500; 700100, 4127600; 700467, 4129067; 700500, 4129200; 700500, 4130600; 701000, 4130600; 701000, 4130100; 701100, 4129800; 701200, 4129800; 701100, 4130100; 701100, 4130600; 701700, 4130600; 701700, 4129200; 701800, 4129200; 702800, 4129200; 703000, 4128800; 703300, 4128800; 703900, 4128800; 703900, 4129000; 704200, 4129000; 704200, 4128500; 703300, 4128400; 703400, 4128300; 703400, 4127900; 703500, 4127800; 703800, 4127500; 703700, 4127300; 703500, 4127300; 703400, 4127100; 703400, 4126100; 703500, 4126100; 704400, 4126100; 704300, 4126000; 704400, 4125900; 704500, 4125300; 704500, 4124800; 705000, 4124800; 705000, 4125300; 705700, 4125300; 705700, 4124900; 706600, 4125000; 706700, 4123700; returning to 706700, 4122100;

(v) Unit 23E: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 711500, 4122200; 711500, 4121700; 711500, 4121200; 709900, 4121300; 709900, 4121900; 709800, 4121900; 709800, 4121800; 709700, 4121500; 709500, 4121500; 709300, 4121600; 708800, 4121400; 708700, 4121300; 706800, 4121300; returning to 706700, 4122100;

(vi) Unit 23F: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 711200, 4120500; 711400, 4120400; 711500, 4120500; 711600, 4119600; 711900, 4119600; 711900, 4119400; 712100, 4119300; 712300, 4119300; 712300, 4119200; 712600, 4119200; 712800, 4118800; 711600, 4118700; 711600, 4118500; 711400, 4118500; 711300, 4118400; 711100, 4118100; 709900, 4118100; 709900, 4118800; 709900, 4119000; 709700, 4119000; 709700, 4119600; 710300, 4119000; 710300, 4119900; 710700, 4119900; 710700, 4120000; 710600, 4120000; 710600, 4120100; 710700, 4120200; 710600, 4120300; 710700, 4120400; 710700, 4120500; 710900, 4120400; 711100, 4120400; returning to 711200, 4120500;

(vii) Unit 23G: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 714600, 4115000; 713300, 4115000; 713100, 4115300; 713300, 4115300; 713800, 4115400; 713800, 4116600; 715400, 4116600; 715500, 4116500; 715500, 4115818; 714600, 4115800; returning to 714600, 4115000;

(viii) Unit 23H: Merced County, California. From USGS 1:24,000 scale quadrangle El Nido and Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 718900, 4120900; 718900, 4120000; 719300, 4120000; 719400, 4120200; 719600, 4120100; 720200, 4120100; 720300, 4120200; 720700, 4120200; 720900, 4120000; 721500, 4120000; 721600, 4120100; 722000, 4120100; 722100, 4120000; 722200, 4120200; 722200, 4120300; 722900, 4119600; 722100, 4119500; 722200, 4118400; 725400, 4118500; 725400, 4118578; 726100, 4118600; 726100, 4120100; 728600, 4120100; 728600, 4119200; 727800, 4119200; 727700, 4118600; 727600, 4118500; 727500, 4118500; 727500, 4118400;

727500, 4116900; 726800, 4116900; 726700, 4116900; 726800, 4115300; 725900, 4115300; 725900, 4116900; 724300, 4116900; 724300, 4117600; 722694, 4117506; 722600, 4117600; 721800, 4117600; 721800, 4118400; 720200, 4118400; 720200, 4117600; 719400, 4117600; 719400, 4116700; 718600, 4116700; 718600, 4117100; 718200, 4117100; 718200, 4117200; 718300, 4117300; 718400, 4117400; 718600, 4117400; 718600, 4117500; 718600, 4118291; 718900, 4118300; 718900, 4118900; 718800, 4119000; 718700, 4119000; 718600, 4119100; 717700, 4119100; 717700, 4119900; 718100, 4119900; 718100, 4119950; 718100, 4120000; 718500, 4120000; 718500, 4120900; returning to 718900, 4120900;

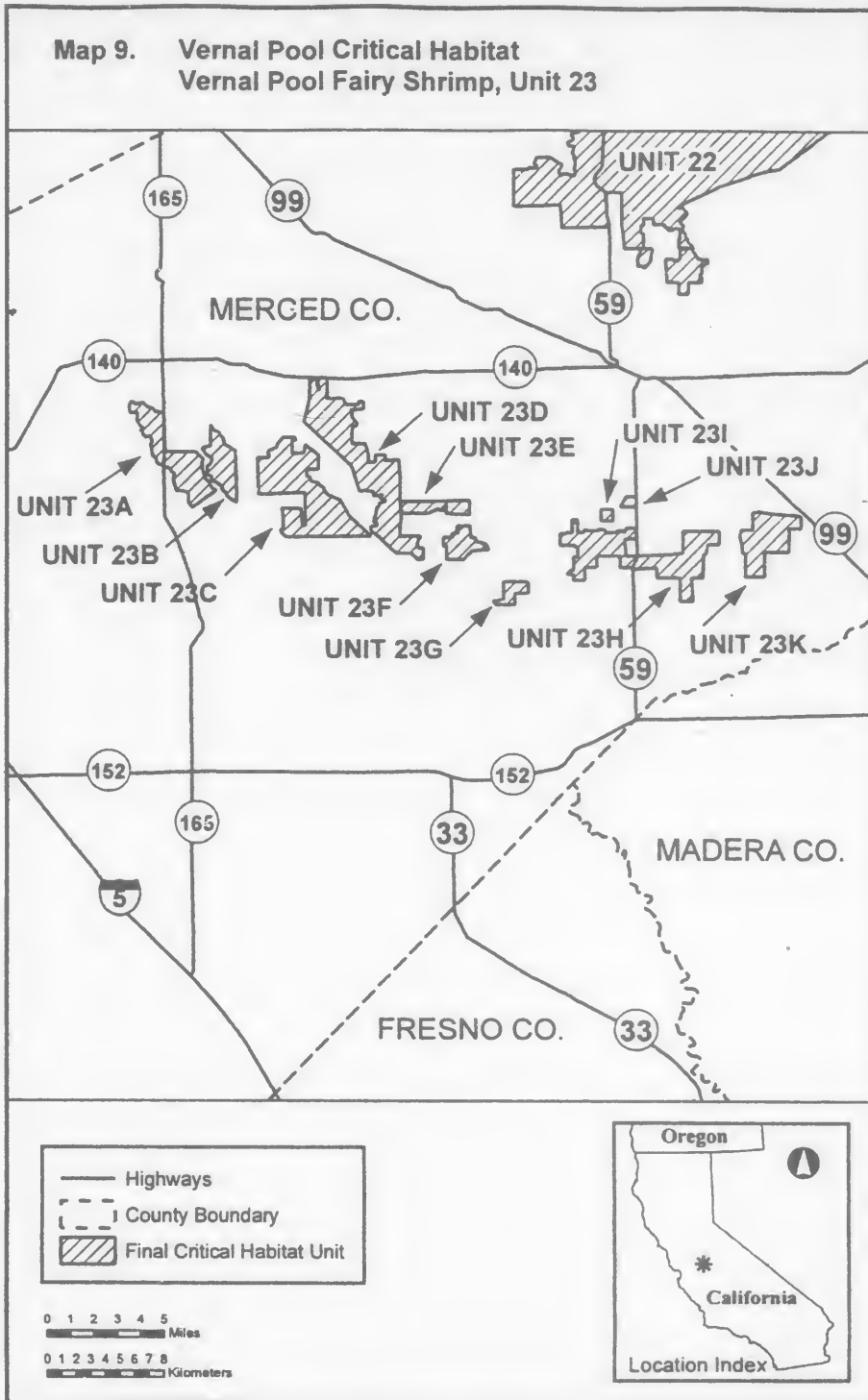
(ix) Unit 23I: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 721300, 4120800; 720500, 4120800; 720500, 4121600; 721300, 4121600; 721300, 4121200; returning to 721300, 4120800;

(x) Unit 23J: Merced County, California. From USGS 1:24,000 scale quadrangle El Nido. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 722900, 4121800; 721800, 4121800; 722200, 4122500; 722900, 4122500; returning to 722900, 4121800;

(xi) Unit 23K: Merced County, California. From USGS 1:24,000 scale quadrangle Plainsburg and El Nido. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 731700, 4117000; 730400, 4117000; 730400, 4118600; 730200, 4118600; 730100, 4119300; 730000, 4119700; 730000, 4119900; 730100, 4120200; 730900, 4120200; 730900, 4121400; 731300, 4121500; 731800, 4121400; 732700, 4121300; 734000, 4121200; 734200, 4121100; 734200, 4120300; 733400, 4120300; 733400, 4118700; 731700, 4118700; returning to 731700, 4117000.

(xii) Note: Unit 23 (Map 9) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(30) Unit 24: Madera County, California.

(i) Unit 24A: Madera County, California. From USGS 1:24,000 scale quadrangle Little Table Mountain, Davilton, Lanes Bridge, and Gregg. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 775948, 4105456; 775999, 4105450; 776120, 4105477; 776212, 4105561; 776272,

4105591; 776338, 4105583; 776404, 4105519; 776449, 4105460; 776460, 4105422; 776461, 4105333; 776454, 4105310; 776453, 4105259; 776440, 4105190; 776403, 4105067; 776342, 4104912; 776338, 4104874; 776344, 4104834; 776389, 4104794; 776390, 4104794; 776511, 4104930; 776669, 4105060; 776888, 4105057; 777034, 4105112; 777089, 4105117; 777174, 4105104; 777227, 4105114; 777322, 4105160; 777452, 4105307; 777505, 4105311; 777525, 4105303; 777569, 4105287; 777611, 4105253; 777630, 4105233; 777676, 4105204; 777716, 4105178; 777254, 4104608; 776860, 4104161; 777386, 4103739; 777417, 4103722; 777478, 4103724; 777556, 4103747; 777592, 4103745; 777628, 4103729; 777649, 4103704; 777655, 4103686; 777652, 4103610; 777595, 4103484; 777574, 4103361; 777542, 4103322; 777483, 4103277; 777424, 4103214; 777425, 4103166; 777452, 4103116; 777471, 4103096; 777503, 4103036; 777500, 4102977; 777455, 4102796; 777458, 4102704; 777472, 4102666; 777490, 4102639; 777701, 4102491; 777761, 4102460; 777902, 4102427; 778037, 4102384; 778066, 4102347; 778094, 4102274; 778118, 4102255; 778167, 4102239; 778212, 4102243; 778340, 4102295; 778379, 4102282; 778505, 4102141; 778562, 4102125; 778633, 4102132; 778720, 4102092; 778766, 4102096; 778798, 4102120; 778918, 4102254; 778976, 4102268; 778997, 4102264; 779059, 4102223; 779095, 4102209; 779762, 4102193; 779897, 4102172; 780079, 4102219; 780132, 4102236; 780185, 4102235; 780236, 4102217; 780360, 4102089; 780617, 4101823; 780666, 4101774; 780673, 4101764; 780682, 4101751; 780688, 4101743; 780713, 4101714; 780759, 4101634; 780761, 4101576; 780738, 4101514; 780687, 4101446; 780591, 4101336; 780514, 4101212; 780513, 4101163; 780527, 4101126; 780569, 4101089; 780939, 4100827; 781071, 4100686; 781076, 4100683; 781136, 4100645; 781561, 4100454; 781645, 4100459; 781800, 4100538; 781863, 4100561; 781925, 4100540; 781944, 4100528; 782075, 4100451; 782128, 4100455; 782347, 4100528; 782403, 4100533; 782429, 4100521; 782457, 4100499; 782535, 4100382; 782587, 4100338; 782809, 4100244; 782840, 4100222; 782884, 4100193; 782929, 4100075; 783072, 4099907; 783203, 4099779; 783268, 4099756; 783377, 4099744; 783662, 4099749; 783703, 4099735; 783743, 4099676; 783751, 4099641; 783755, 4099621; 783767, 4099609; 783768, 4099584; 783781, 4099548; 783795, 4099504; 783827, 4099471; 783858, 4099445; 783890, 4099424; 783916, 4099399; 783946, 4099382; 784056, 4099380; 784184, 4099372; 784246, 4099369; 784263, 4099375; 784300, 4099370; 784342, 4099377; 784378, 4099391; 784414, 4099405; 784438, 4099417; 784462, 4099430; 784493, 4099442; 784516, 4099445; 784536, 4099439; 784561, 4099422; 784574, 4099398; 784593, 4099356; 784601, 4099324; 784620, 4099288; 784627, 4099259; 784651, 4099241; 784652, 4099240; 784671, 4099217; 784701, 4099206; 784733, 4099188; 784758, 4099176; 784776, 4099164; 784801, 4099153; 784820, 4099145; 784845, 4099124; 784876, 4099102; 784907, 4099085; 784944, 4099056; 784970, 4099032; 784995, 4099006; 785020, 4098984; 785040, 4098960; 785046, 4098935; 785059, 4098917; 785060, 4098888; 785073, 4098858; 785074, 4098834; 785068, 4098801; 785061, 4098785; 785052, 4098764; 785041, 4098739; 785024, 4098708; 785006, 4098676; 784995, 4098640; 784978, 4098615; 784967, 4098591; 784960, 4098572; 784968, 4098548; 784993, 4098525; 785024, 4098508; 785062, 4098476; 785086, 4098473; 785117, 4098442; 785130, 4098431; 785143, 4098395; 785152, 4098345; 785159, 4098279; 785168, 4098231; 785176, 4098163; 785184, 4098120; 785184, 4098108; 785204, 4098054; 785220, 4097988; 785238, 4097931; 785246, 4097885; 785247, 4097853; 785237, 4097805; 785216, 4097736; 785199, 4097682; 785188, 4097625; 785182, 4097596; 785190, 4097576; 785209, 4097535; 785235, 4097499; 785266, 4097451; 785286, 4097422; 785312, 4097385; 785325, 4097349; 785320, 4097300; 785329, 4097245; 785330, 4097202; 785337, 4097165; 785350, 4097153; 785362, 4097142; 785387, 4097137; 785386, 4097154; 785380, 4097178; 785336, 4098764; 785334, 4098821; 785334, 4098823; 785325, 4099157; 785658, 4099178; 785746, 4097781; 787243, 4097875; 787331, 4096478; 786932, 4096452; 786601, 4096933; 786208, 4096807; 786246, 4096208; 786258, 4096009; 785453, 4095958; 784661, 4095908; 784661, 4095908; 784662, 4095507; 784662, 4094305; 784681, 4094005; 780582, 4093847; 779783, 4093796; 776583, 4093695; 776463, 4095591; 776657, 4095704; 778160, 4095698; 778053, 4097395; 778858, 4097346; 778857, 4098949; 779656, 4099000; 779555, 4100597; 776348, 4100594; 776551, 4095797; 776451, 4095791; 773656, 4095615; 771760, 4095495; 771697, 4096493; 771652, 4098795; 773554, 4098815; 773553, 4100418; 769954, 4100291; 769935, 4100590; 771238, 4102176; 772086, 4103031; 772447, 4103655; 772896, 4104485; 774373, 4106482; 774835, 4107052; 774846, 4107045; 774850, 4107042; 774860, 4107038; 774885, 4106988; 774910, 4106826; 774924, 4106643; 774919, 4106604; 774912, 4106536; 774917, 4106473; 774975, 4106381; 774999, 4106361; 775134, 4106205; 775285, 4106081; 775406, 4105942; 775604, 4105742; 775620, 4105713; 775682, 4105659; 775765, 4105623; returning to 775948, 4105456;

(ii) Unit 24B: Fresno County, California. From USGS 1:24,000 scale quadrangle Friant. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 793782, 4099090; 793994, 4098902; 794194, 4098915; 794306, 4098722; 794618, 4098541; 794831, 4098354; 795529, 4098398; 795835, 4098317; 796228, 4098442; 796403, 4098854; 797089, 4099098; 797289, 4099111; 797588, 4099129; 798930, 4098512; 798743, 4098300; 798244, 4098269; 797832, 4098443; 797863, 4097944; 797670, 4097832; 797577, 4097725; 797583, 4097626; 797589, 4097526; 797989, 4097551; 798007, 4097252; 797708, 4097233; 797721, 4097033; 797920, 4097046; 797926, 4096946; 797446, 4096615; 796479, 4096603; 796018, 4095422; 794932, 4095153; 794203, 4094004; 794215, 4093805; 794515, 4093824; 795494, 4094186; 796549, 4093351; 797229, 4093694; 797760, 4093226; 797848, 4091829; 797655, 4091716; 797580, 4091310; 796372, 4090700; 796318, 4090707; 796265, 4090961; 796301, 4090929; 796262, 4090975; 796072, 4091876; 796159, 4092137; 796200, 4092206; 796282, 4092261; 796330, 4092663; 796160, 4093099; 796056, 4093364; 795805, 4093706; 795727, 4093853; 795710, 4093880; 795603, 4094060; 795291, 4093982; 794825, 4093866; 794320, 4093746; 794171, 4093710; 794163, 4093773; 794145, 4093931; 794183, 4094110; 794269, 4094203; 794321, 4094260; 794475, 4094454; 794503, 4094666; 794724, 4094985; 794665, 4095138; 794826, 4095644; 794644, 4095919; 794496, 4096144; 794468, 4096427; 794455, 4096564; 793663, 4097789; 793626, 4098378; 793513, 4098371; 793423, 4098551; 793475, 4098842; 793327, 4099109; 793333, 4099147; 793270, 4099175; 793237, 4099239; 793463, 4099370; 793563, 4099377; 793769, 4099289; returning to 793782, 4099090;

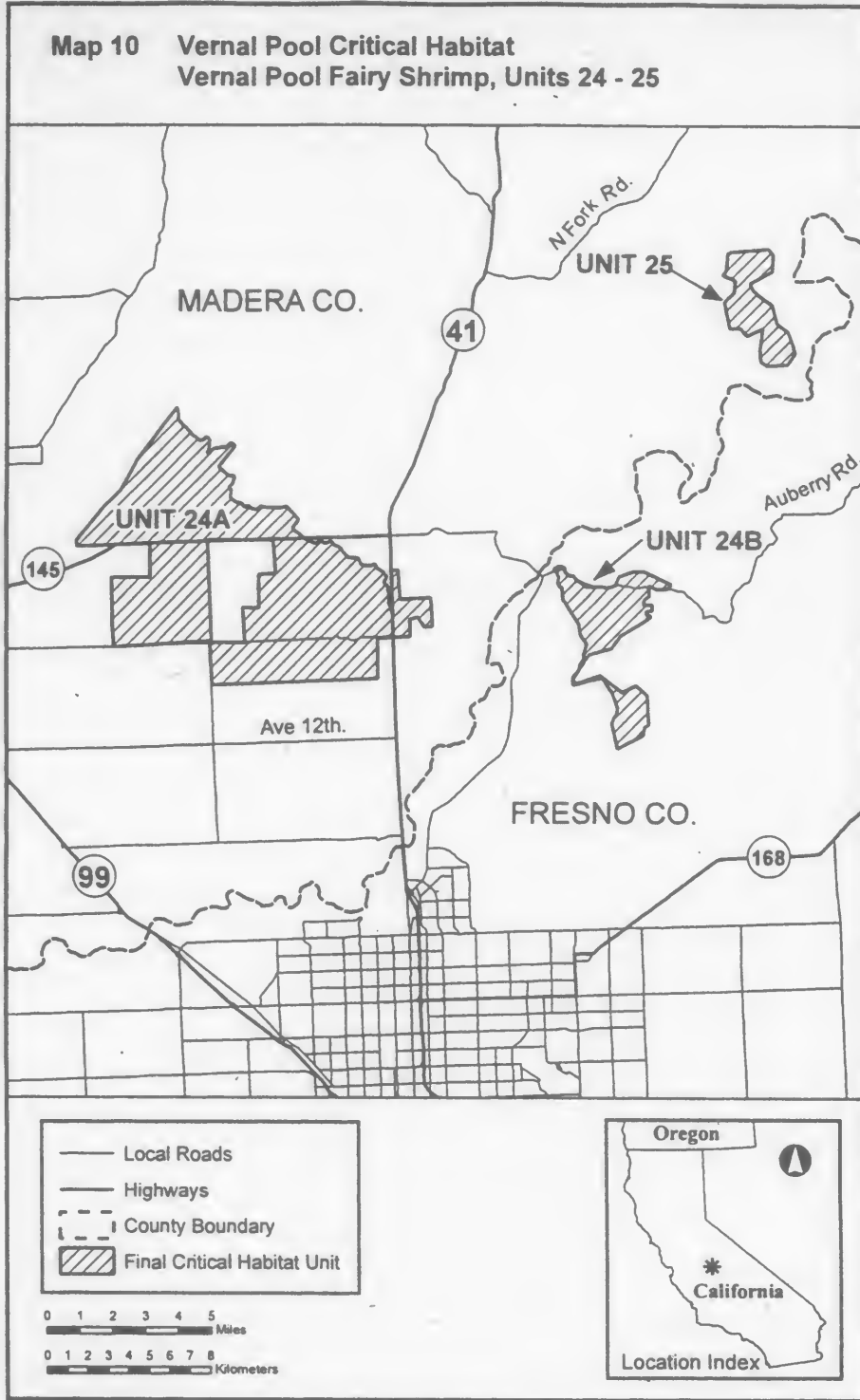
(31) Unit 25: Madera County, California. From USGS 1:24,000 scale quadrangle Millerton Lake East. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 804045, 4111166; 804569, 4110798; 804807,

4110212; 804938, 4109719; 804571,  
4109194; 803572, 4109131; 803260,  
4109312; 803222, 4109911; 803359,  
4110922; 802579, 4110572; 802254,  
4110952; 801755, 4110921; 801473,

4112206; 801947, 4112637; 802009,  
4113242; 801391, 4113504; 801578,  
4113716; 801627, 4114521; 801820,  
4114634; 803618, 4114748; 803836,  
4114461; 803787, 4113656; 802720,

4113087; 802839, 4112794; 803158,  
4112513; 803788, 4112052: returning to  
804045, 4111166;

(32) Note: Units 24-25 (Map 10) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(33) Unit 26: Tulare and Kings Counties, California.

(i) Unit 26A: Tulare and Kings Counties, California. From USGS 1:24,000 scale quadrangle Monson, Traver, Burris Park, and Remnoy. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 828797, 4041134; 828810, 4040935; 829509, 4040978; 829634, 4040585; 829709,

4039386; 830449, 4039621; 830453, 4039463; 830420, 4039230; 829721, 4039186; 829521, 4039174; 829509, 4039374; 828304, 4039399; 828279, 4039798; 827580, 4039755; 827605, 4039355; 827205, 4039330; 827280, 4038132; 826381, 4038076; 826400, 4037776; 825601, 4037726; 825582, 4038026; 824877, 4038082; 824895, 4037782; 822892, 4037758; 822929, 4037159; 821031, 4037041; 821075, 4036342; 820575, 4036310; 820606, 4035811; 820207, 4035786; 820157, 4034981; 820200, 4034282; 818203, 4034157; 818222, 4033858; 817135, 4033589; 816842, 4033471; 816667, 4033059; 816274, 4032935; 816181, 4032934; 814570, 4032928; 813902, 4032386; 813727, 4031974; 813565, 4031362; 813284, 4031044; 812996, 4030826; 812891, 4032523; 813790, 4032579; 814252, 4033209; 814539, 4033428; 814851, 4034164; 814889, 4034252; 815581, 4034395; 816256, 4034838; 817560, 4034819; 816992, 4035886; 818490, 4035980; 819364, 4036436; 819770, 4036360; 820900, 4037534; 821693, 4037683; 822542, 4038539; 824646, 4038569; 824846, 4038582; 826344, 4038675; 826313,

4039175; 825507, 4039225; 825445, 4040223; 827043, 4040323; 827100, 4041028; returning to 828797, 4041134;

(ii) Unit 26B: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831257, 4040285; 831281, 4039895; 831228, 4039894; 831226, 4040265; 830457, 4040256; 830452, 4040335; returning to 831257, 4040285;

(iii) Unit 26C: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 835309, 4039635; 834510, 4039585; 834460, 4040384; 835259, 4040434; returning to 835309, 4039635;

(iv) Unit 26D: Tulare County, California. From USGS 1:24,000 scale quadrangle Ivanhoe. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 837863, 4043705; 837178, 4043663; 837165, 4044455; 837527, 4044471; 837510, 4044925; 837253, 4045186; 836546, 4045165; 836550, 4044829; 836726, 4044828; 836732, 4044453; 836753, 4044453; 836777, 4043638; 836764, 4043637;

836765, 4043628; 835983, 4043614; 835959, 4043687; 836040, 4043993; 836433, 4044117; 836365, 4045216; 837164, 4045266; 836733, 4045741; 838331, 4045841; 838338, 4045740; 837838, 4045710; 837919, 4044411; 837819, 4044405; returning to 837863, 4043705;

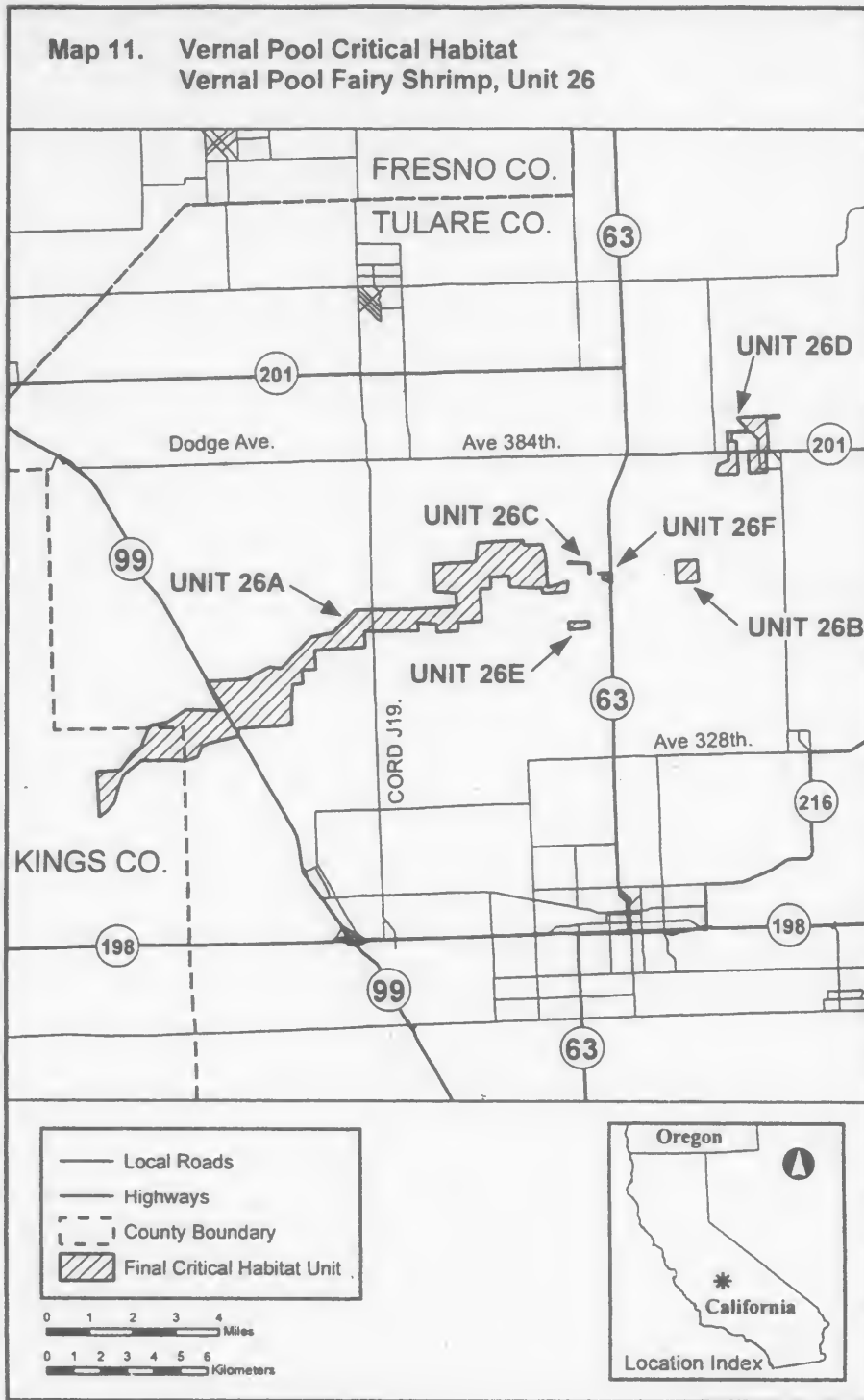
(v) Unit 26E: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831258, 4037878; 830508, 4037831; 830507, 4037837; 830510, 4037837; 830495, 4038113; 830867, 4038116; 831249, 4038123; returning to 831258, 4037878;

(vi) Unit 26F: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 832081, 4039935; 832106, 4039535; 832038, 4039531; 831991, 4039595; 831752, 4039679; 831748, 4039853; 832035, 4039864; 832031, 4039913; 831542, 4039901; 832081, 4039935; returning to 832081, 4039935;

(vii) Note: Unit 26 (Map 11) follows:

BILLING CODE 4310-55-P

**Map 11. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Unit 26**



BILLING CODE 4310-55-C

(34) Unit 27: Tulare County, California.

(i) Unit 27A: Tulare County, California. From USGS 1:24,000 scale quadrangle Taylor Weir, Corcoran, and Alpaugh. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 816702, 4000178; 816908, 4000090; 818306, 4000177; 818405, 3998578; 819903, 3998671;



820002, 3997073; 818403, 3996974;  
818502, 3995377; 819301, 3995426;  
819351, 3994627; 820149, 3994676;  
820199, 3993877; 820248, 3993078;  
820297, 3992279; 819399, 3992224;  
819497, 3990626; 819996, 3990656;  
820064, 3989558; 819765, 3989539;  
819752, 3989739; 819422, 3990220;  
819310, 3990414; 819104, 3990501;  
817899, 3990527; 817644, 3991413;  
817613, 3991913; 817214, 3991888;  
816659, 3992756; 816504, 3993649;  
816691, 3993861; 816660, 3994360;  
816960, 3994379; 816910, 3995178;  
816898, 3995378; 814901, 3995254;  
814802, 3996852; 815201, 3996877;  
815164, 3997476; 815252, 3997682;  
816051, 3997731; 813905, 4000005;  
returning to 816702, 4000178.

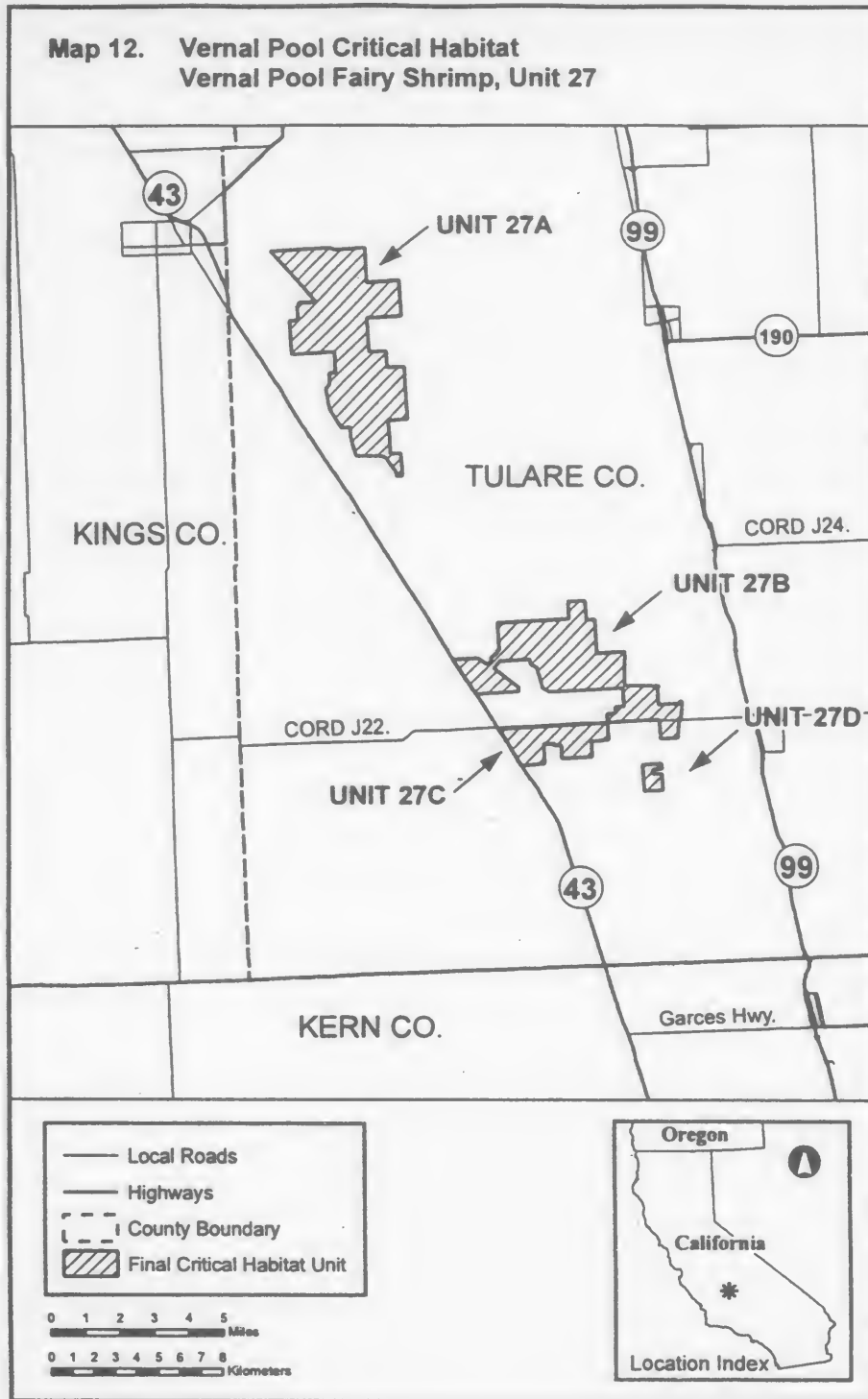
(ii) Unit 27B: Tulare County, California. From USGS 1:24,000 scale quadrangle Pixley and Alpaugh. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 829592, 3978113; 829568, 3978513; 829967,

3978537; 829949, 3978837; 830348, 3978862; 830293, 3979761; 826897, 3979551; 826585, 3979733; 826454, 3980226; 826324, 3980719; 826012, 3980901; 825999, 3981101; 824601, 3981014; 824320, 3980697; 825480, 3979765; 825492, 3979565; 825392, 3979559; 823495, 3979442; 822391, 3981079; 823590, 3981153; 824008, 3980878; 824201, 3980990; 824189, 3981190; 824476, 3981408; 824470, 3981508; 824570, 3981514; 824496, 3982713; 827793, 3982915; 827743, 3983715; 828543, 3983764; 828598, 3982865; 828997, 3982890; 829090, 3981391; 829090, 3981391; 830388, 3981471; 830387, 3979867; 831991, 3979865; 831897, 3979759; 831947, 3978960; 832946, 3979021; 832939, 3979121; 833039, 3979128; 832995, 3978222; 832895, 3978216; 832845, 3977419; 832047, 3977387; 831990, 3978261; 829992, 3978138; returning to 829592, 3978113;

(iii) Unit 27C: Tulare County, California. From USGS 1:24,000 scale quadrangle Pixley and Alpaugh. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 829592, 3978113; 829641, 3977314; 828842, 3977265; 828848, 3977165; 828848, 3977165; 828885, 3976566; 827487, 3976480; 827450, 3977079; 827150, 3977060; 827144, 3977160; 826645, 3977130; 826700, 3976231; 825601, 3976163; 824598, 3977806; returning to 829592, 3978113;

(iv) Unit 27D: Tulare County, California. From USGS 1:24,000 scale quadrangle Delano West. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831681, 3975979; 831682, 3975780; 832114, 3975799; 832147, 3975004; 831304, 3974962; 831290, 3974961; 831213, 3976207; 832099, 3976262; 832108, 3976000; returning to 831681, 3975979;

(v) Note: Unit 27 (Map 12) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(35) Unit 28: San Benito and Monterey Counties, California. From USGS 1:24,000 scale quadrangle

Hernandez Reservoir, Rock Springs Peak, Topo Peak, Hepsedam Peak, Lonoak, Pinalito Canyon, Monarch Peak, and Natrass Valley. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 682300, 4039700; 681300, 4038600; 681600, 4037000; 681700, 4035800; 680800,

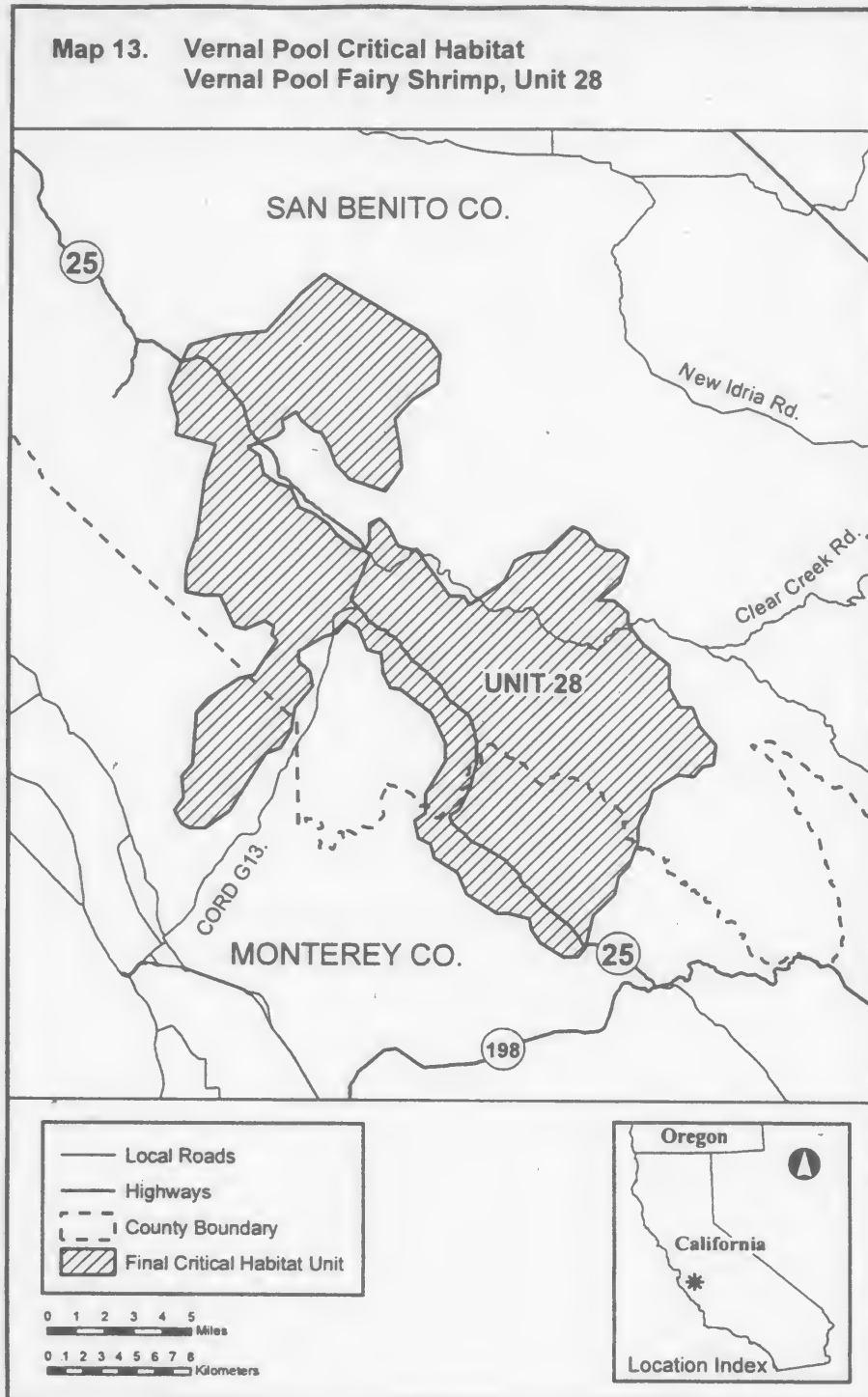
4034500; 678800, 4035200; 678000,  
4036000; 677600, 4037100; 677200,  
4037800; 67680, 4037900; 676100,  
4038500; 675800, 4039000; 675000,  
4038500; 675100, 4038000; 674700,  
4037600; 673100, 4037000; 673800,  
4036500; 674000, 4035500; 674700,  
4035000; 675500, 4034700; 676000,  
4033600; 676800, 4033300; 677600,  
4032700; 678100, 4032100; 679000,  
4031400; 679600, 4031200; 679900,  
4031700; 679900, 4032700; 680500,  
4033000; 681000, 4032500; 681500,  
4031500; 682600, 4031200; 684400,  
4028700; 685200, 4028700; 685500,  
4028200; 687400, 4029500; 688000,  
4030700; 688800, 4031100; 689700,  
4031200; 691200, 4032600; 692000,  
4032300; 692500, 4031600; 693200,  
4031300; 693700, 4031300; 694300,  
4030900; 693800, 4029500; 692600,  
4028500; 693500, 4028500; 694300,  
4027800; 694300, 4027200; 695100,  
4026100; 696600, 4024900; 696600,  
4023700; 697200, 4022600; 697900,

4022600; 698300, 4021500; 699200,  
4020500; 699100, 4019400; 698500,  
4019300; 698000, 4018700; 697100,  
4018800; 695700, 4017900; 695400,  
4016900; 695100, 4016500; 694900,  
4015900; 694900, 4015000; 694857,  
4014888; 694400, 4013700; 693800,  
4013100; 693600, 4012100; 692400,  
4010900; 692000, 4009100; 691600,  
4008600; 690800, 4008600; 689500,  
4009400; 689000, 4010100; 688900,  
4010700; 687800, 4011000; 687100,  
4011000; 685400, 4012100; 684900,  
4013300; 683600, 4014100; 683400,  
4014900; 682700, 4015200; 682500,  
4016200; 683100, 4016600; 683100,  
4017044; 683100, 4017700; 684200,  
4019500; 684200, 4020500; 683400,  
4022200; 681700, 4023500; 681100,  
4023600; 680700, 4024400; 680600,  
4025500; 679800, 4025700; 679300,  
4026900; 678700, 4027300; 678100,  
4026600; 677400, 4026400; 676000,  
4025600; 676000, 4025000; 676600,  
4024500; 676800, 4023700; 675800,

4022500; 675702, 4021862; 675600,  
4021200; 675000, 4020200; 674200,  
4019900; 672200, 4016700; 670800,  
4015700; 670000, 4015700; 669500,  
4016000; 669100, 4016700; 669600,  
4017400; 669500, 4018600; 670100,  
4019300; 670300, 4022200; 671000,  
4023000; 672700, 4024100; 673205,  
4024226; 673500, 4024300; 674800,  
4026200; 674500, 4026500; 674600,  
4027000; 674100, 4027300; 673000,  
4026800; 672400, 4027000; 671600,  
4028700; 670700, 4028700; 669700,  
4028900; 669700, 4030100; 669800,  
4030700; 670300, 4032100; 670700,  
4035100; 671300, 4037100; 669100,  
4037700; 669200, 4038600; 668700,  
4040300; 669800, 4042700; 671900,  
4043300; 674100, 4043500; 676000,  
4045600; 677300, 4046700; 683000,  
4043300; 683800, 4042200; 683700,  
4040600; returning to 682300, 4039700.

(36) Note: Unit 28 (Map 13) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(37) Unit 29. Monterey County, California.

(i) Unit 29A: Monterey County, California. From USGS 1:24,000 scale quadrangle Williams Hill and Jolon. Land bounded by the following UTM

Zone 10, NAD 83 coordinates (E,N):  
668500, 3981900; 668700, 3981600;  
668500, 3981100; 668700, 3980600;  
669400, 3980100; 669800, 3980500;

670600, 3980700; 671400, 3980600; 671400, 3979500; 671900, 3979500; 672700, 3978600; 674700, 3978600; 675400, 3978200; 674600, 3976900; 674800, 3975700; 674900, 3975567; 674900, 3975500; 674700, 3975500; 674640, 3975981; 674639, 3976224; 674609, 3976226; 674600, 3976300; 673444, 3976300; 673418, 3976654; 673400, 3976654; 673400, 3976700; 673032, 3976700; 673029, 3977031; 673830, 3977043; 673838, 3977861; 673000, 3977858; 673000, 3977900; 672261, 3977869; 672201, 3978658; 670585, 3978648; 670610, 3977800; 670600, 3977800; 670600, 3977628; 670210, 3977909; 669793, 3978209; 669403, 3978493; 669204, 3978638; 669009, 3978794; 668691, 3979047; 668676, 3979059; 668631, 3979094; 668575, 3979139; 668542, 3979154; 668427, 3979205; 668355, 3979245; 668300, 3979300; 667137, 3980172; 668155, 3980187; 668138, 3980992; 667738, 3980995; 667723, 3981807; 667320, 3981800; 667314, 3982100; 668000, 3982100; returning to 668500, 3981900;

(ii) Unit 29B: Monterey County, California. From USGS 1:24,000 scale quadrangle Valleton, Wunpost, San Miguel. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706300, 3975100; 706500, 3974400; 706400, 3971900; 706600, 3970800; 707000, 3970100; 707000, 3969400; 706800, 3969200; 706800, 3968200; 706600, 3967499; 705500, 3965500; 705400, 3965500; 705290, 3970469; 706068, 3970480; 706043, 3972930; 705235, 3972918; 705200, 3974500; 705155, 3974500; 705155, 3974504; 704931, 3974500; 704000, 3974500; 703700, 3973800; 703700, 3973400; 703229, 3972552; 703170, 3972480; 702900, 3972300; 702600, 3972000; 702500, 3971900; 701931, 3971236; 701923, 3971236; 701885, 3971200; 701600, 3971200; 701300, 3971000; 700800, 3971000; 700000, 3971000; 700000, 3970400; 699000, 3970410; 699000, 3970500; 699200, 3970700; 699800, 3972200; 700200, 3972800; 700400, 3973600; 700800, 3974300; 701300, 3974700; 701700, 3975500; 702900, 3976300; 703200, 3976900; 704200, 3977800; 704800, 3977900; 705400, 3977900; 706100, 3978300; 706700, 3978700; 706700, 3978300; 706200, 3976700; 706100, 3975500; returning to 706300, 3975100;

(iii) Unit 29C: San Luis Obispo County, California. From USGS 1:24,000 scale quadrangle Estrella, Paso Robles,

Cholame Hills, Ranchito Canyon, and Creston. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 725000, 3962100; 725600, 3961700; 726100, 3961700; 726100, 3961300; 725200, 3960400; 725100, 3959200; 724700, 3958300; 724300, 3956700; 724700, 3956500; 725200, 3955000; 724100, 3953600; 723800, 3952700; 723400, 3952000; 723100, 3950600; 723500, 3949700; 723500, 3949000; 724100, 3948500; 723500, 3948400; 722300, 3948900; 719200, 3948900; 719200, 3949700; 718300, 3949700; 718300, 3948900; 718900, 3948900; 719000, 3948700; 719200, 3948700; 719200, 3948100; 720000, 3948100; 720000, 3946500; 720200, 3946400; 720800, 3945700; 721000, 3945200; 721100, 3944900; 721100, 3943400; 720100, 3943400; 718700, 3942200; 717700, 3941700; 717400, 3941700; 717000, 3941900; 717200, 3942500; 715100, 3944900; 715300, 3945200; 714500, 3945900; 714800, 3946200; 714600, 3946400; 714000, 3946400; 713200, 3947000; 713200, 3947200; 713600, 3947800; 713500, 3948400; 713200, 3948700; 712800, 3947900; 712600, 3947900; 712500, 3948000; 712500, 3948800; 711600, 3949100; 711300, 3949300; 711200, 3949800; 710600, 3949900; 710500, 3950000; 710500, 3950200; 710900, 3950400; 710900, 3950600; 710600, 3950700; 709400, 3950500; 709300, 3952100; 709800, 3952800; 709800, 3954800; 709500, 3955200; 709500, 3955600; 710200, 3955600; 710400, 3955500; 711000, 3955300; 711500, 3954600; 711600, 3953600; 713900, 3953600; 714200, 3954000; 714500, 3953800; 715000, 3953700; 715300, 3953500; 715500, 3953400; 715700, 3953400; 716000, 3953700; 716500, 3953700; 716800, 3953600; 717600, 3953700; 717900, 3954200; 718500, 3954600; 718900, 3954800; 719300, 3954900; 720400, 3955600; 721400, 3956700; 722200, 3958400; 722500, 3960400; 723300, 3962100; 724200, 3962500; 724400, 3963300; 724657, 3963557; 725100, 3964000; 725100, 3963563; 725100, 3963300; returning to 725000, 3962100;

(iv) Unit 29D: San Luis Obispo and Monterey Counties, California. From USGS 1:24,000 scale quadrangle Bradley. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 695400, 3963500; 695700, 3963400; 695755, 3963400; 695761, 3963087; 695592, 3963031; 695500, 3963000; 695500, 3962966; 695470,

3962965; 695500, 3961632; 695500, 3961400; 694300, 3961400; 694300, 3961200; 694200, 3961400; 694800, 3961800; 694900, 3962400; 694700, 3962800; 694730, 3963011; 694800, 3963500; 695400, 3963500;

(v) Unit 29E: Monterey and San Luis Obispo County, NIT\_NUM = 20D California. From USGS 1:24,000 scale quadrangle San Miguel. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 707500, 3961300; 706900, 3961300; 706900, 3961400; 706793, 3961480; 706792, 3961534; 706809, 3962857; 706650, 3962895; 706543, 3962948; 706490, 3963003; 706410, 3963007; 706288, 3963052; 706477, 3963218; 706800, 3963500; 707600, 3963500; 707563, 3963241; 707500, 3962800; 707900, 3962500; 708100, 3962000; returning to 707500, 3961300;

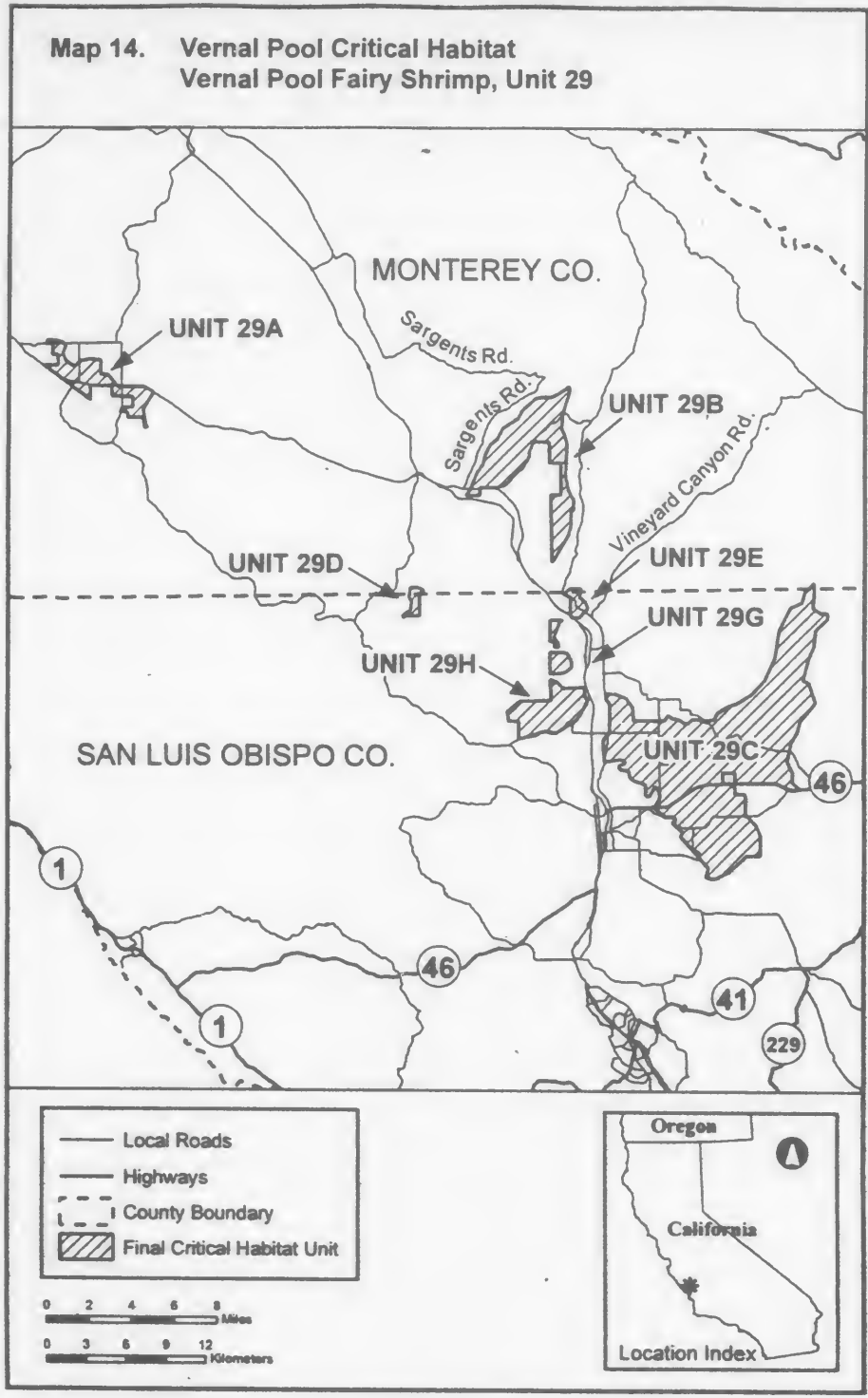
(vi) Unit 29F: San Luis Obispo County, California. From USGS 1:24,000 scale quadrangle San Miguel. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 705600, 3959800; 705900, 3959400; 705949, 3959103; 705635, 3959098; 705626, 3959502; 705300, 3959498; 705300, 3961100; 705464, 3961118; 706200, 3961125; 706200, 3961100; 706000, 3961000; 705600, 3959800;

(vii) Unit 29G: San Luis Obispo County, California. From USGS 1:24,000 scale quadrangle San Miguel and Paso Robles. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 705700, 3957100; 705311, 3957100; 705300, 3957657; 705300, 3958689; 706287, 3958704; 706600, 3958600; 706900, 3958000; 706900, 3957600; 706400, 3957200; returning to 705700, 3957100;

(viii) Unit 29H: San Luis Obispo, California. From USGS 1:24,000 scale quadrangle Paso Robles and Adelaida. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 705800, 3956500; 706300, 3956000; 707900, 3956100; 707900, 3955400; 708100, 3955100; 707600, 3954000; 707300, 3953600; 705700, 3952600; 705000, 3952800; 703200, 3952200; 703000, 3952200; 703000, 3953500; 702200, 3953500; 702113, 3954196; 703041, 3955028; 705352, 3955079; 705351, 3955100; 705400, 3955100; 705328, 3956248; 705319, 3956700; 705400, 3956700; returning to 705800, 3956500;

(ix) Note: Unit 29 (Map 14) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(38) Unit 30: San Luis Obispo County, California. From USGS 1:24,000 scale quadrangle Simmler. Land bounded by

the following UTM Zone 10, NAD 83 coordinates (E,N): 774375, 3914002; 777312, 3913479; 778710, 3913564; 779726, 3913325; 780573, 3912575;

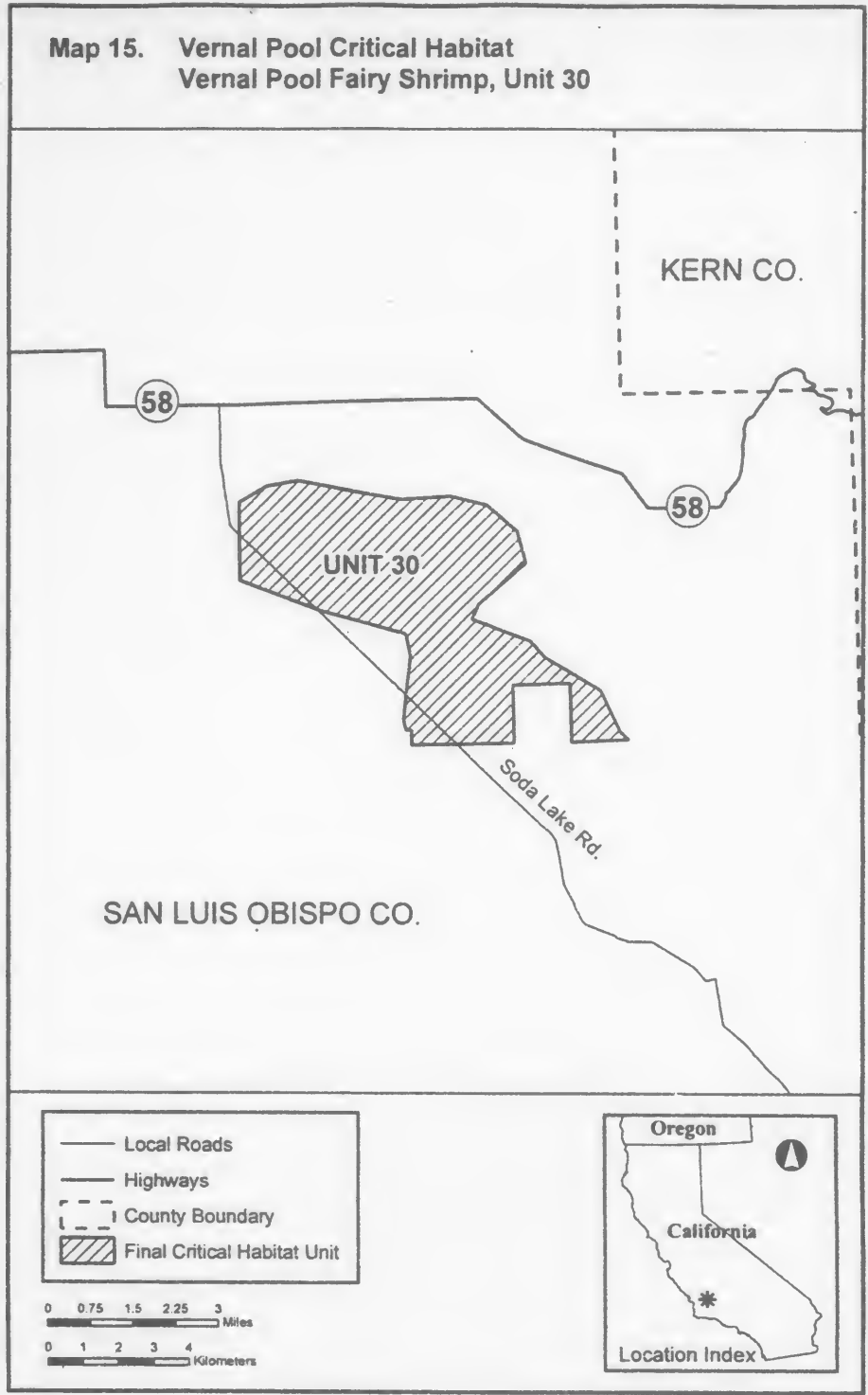
780827, 3911688; 779496, 3910506; 779321, 3910094; 780960, 3909492; 781390, 3909017; 782948, 3908110; 783520, 3906942; 783765, 3906725;

783760, 3906724; 782946, 3906690;  
782936, 3906690; 782156, 3906654;  
782132, 3906653; 782082, 3908301;  
780768, 3908263; 780485, 3908255;  
780490, 3908031; 780522, 3906619;

779393, 3906593; 777627, 3906558;  
777613, 3906978; 777456, 3906974;  
777388, 3907272; 777578, 3909087;  
777442, 3909680; 774998, 3910333;  
772742, 3911198; 772708, 3913400;

• 773483, 3913848; returning to 774375,  
3914002;

(39) Note: Unit 30 (Map 15) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(40) Unit 31: Santa Barbara County, California. From USGS 1:24,000 scale quadrangle Figueroa Mtn., Los Olivos,

Lake Cachuma, and Santa Ynez. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 775060, 3831898; 774653, 3831857; 774200,

3831800; 773600, 3831900; 772500, 3831800; 772100, 3831400; 771400, 3831500; 770400, 3831000; 769800, 3830900; 769300, 3831100; 769100,



3831300; 768500, 3832600; 768500,  
3833300; 768700, 3833700; 769900,  
3834700; 770200, 3834700; 771157,  
3834982; 772300, 3835300; 772800,  
3835000; 773100, 3835000; 773100,  
3835300; 773700, 3835300; 773700,  
3835700; 773600, 3836100; 773200,  
3836900; 773800, 3837100; 774300,  
3836500; 774928, 3836289; 774935,  
3836124; 775060, 3831898; UTM  
NAD83 Zone 11N: 225515, 3836830;  
226600, 3838500; 228200, 3839300;  
229800, 3839000; 232200, 3840500;  
232400, 3841700; 232300, 3842700;  
231600, 3843100; 230300, 3844900;

230000, 3846200; 230800, 3846400;  
231200, 3846200; 231700, 3846200;  
232000, 3846500; 232800, 3847000;  
233800, 3847000; 234500, 3846400;  
234700, 3845600; 235200, 3845600;  
235900, 3844500; 236400, 3844200;  
236400, 3843800; 235900, 3843600;  
235500, 3843000; 235200, 3842900;  
235100, 3842800; 235100, 3842000;  
235300, 3841300; 235200, 3840700;  
234700, 3840000; 234900, 3839700;  
234600, 3839500; 234600, 3839300;  
233800, 3839300; 233100, 3838200;  
232900, 3838000; 232300, 3837900;  
232100, 3838200; 231800, 3838400;

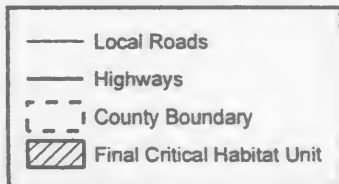
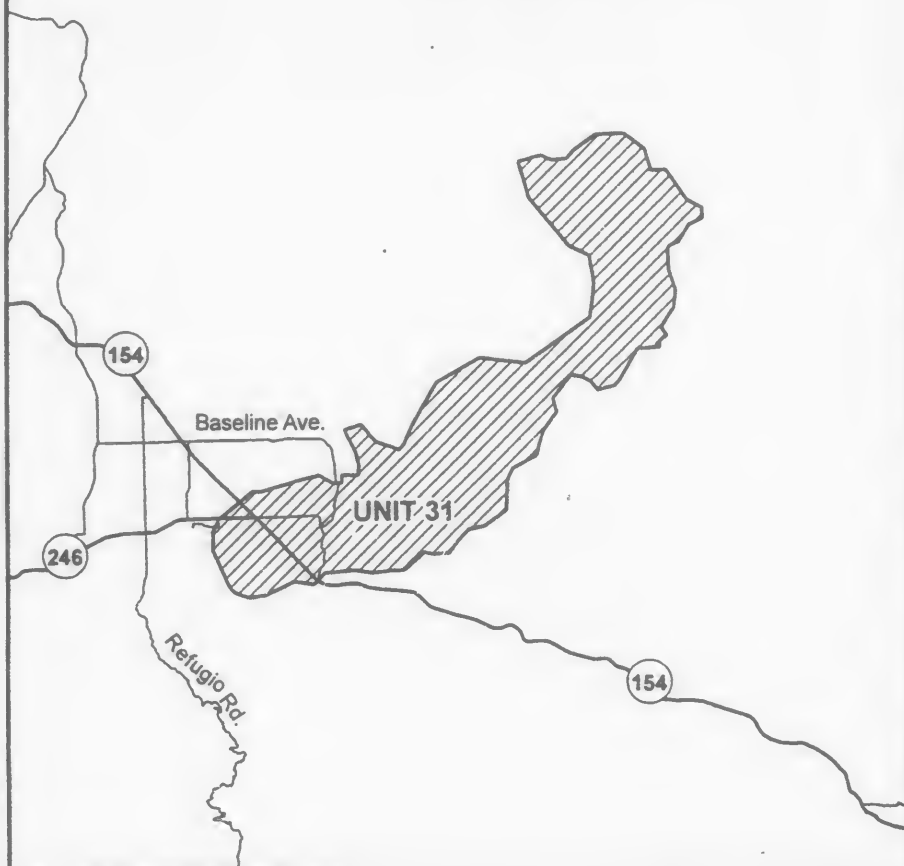
231400, 3838500; 230700, 3837700;  
230800, 3837200; 230300, 3836600;  
230100, 3836100; 230000, 3835700;  
229100, 3835300; 228900, 3834900;  
228800, 3833800; 228000, 3833300;  
227400, 3833200; 227000, 3832800;  
226700, 3832400; 226100, 3832400;  
225800, 3832500; 225200, 3832000;  
225000, 3831900; 224752, 3831904;  
224835, 3834499; 224871, 3835728;  
224904, 3836287; 225100, 3836200;  
225372, 3836544; 225515, 3836830;

(41) Note: Unit 31 (Map 16) follows:

BILLING CODE 4310-55-P

**Map 16. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Unit 31**

SANTA BARBARA CO.



BILLING CODE 4310-55-C

(42) Unit 32: Ventura County, California. From USGS 1:24,000 scale quadrangle Alamo Mountain, Lockwood

Valley, San Guillermo, Topatopa Mountains, Lion Canyon. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 864689, 3849170;

865272, 3847801; 866149, 3846550; 867028, 3843593; 867093, 3842494; 867037, 3842150; 866579, 3839353; 865815, 3838706; 865267, 3839476;

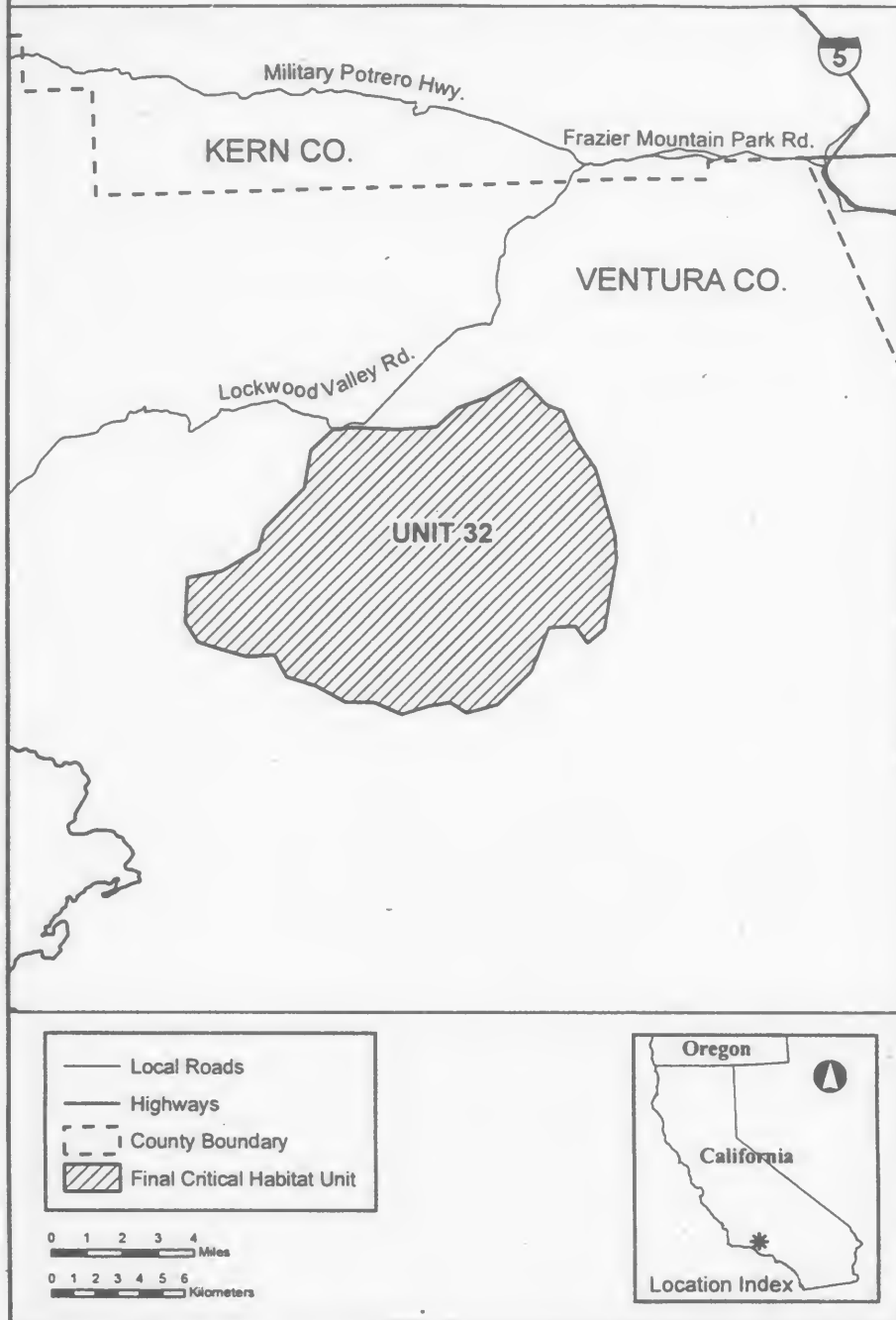
864068, 3839404; 863282, 3837452;  
861766, 3835957; 860385, 3835574;  
859656, 3836032; 858662, 3835872;  
857481, 3835501; 856246, 3836030;  
854941, 3836052; 853594, 3836774;  
852265, 3837196; 851706, 3838166;

850507, 3838094; 849284, 3838422;  
848261, 3838762; 847708, 3839632;  
847788, 3841642; 849375, 3841937;  
851020, 3842938; 851266, 3843856;  
853063, 3845668; 853362, 3847390;  
854407, 3848355; 855307, 3848409;

857217, 3848323; 859016, 3848430;  
859968, 3849289; 861343, 3849773;  
862794, 3850662; 863971, 3849428;  
returning to 864689, 3849170;

(43) Note: Unit 32 (Map 17) follows:  
BILLING CODE 4310-55-P

**Map 17. Vernal Pool Critical Habitat  
Vernal Pool Fairy Shrimp, Unit 32**



BILLING CODE 4310-55-C

Vernal Pool Tadpole Shrimp (*Lepidurus packardii*)

(1) Critical habitat units are depicted for Alameda, Amador, Butte, Colusa,

Fresno, Kings, Madera, Mariposa, Merced, Sacramento, Shasta, Solano, Stanislaus, Tehama, Tulare, Yolo, and

Yuba counties, California, on the map below.

(2) The primary constituent elements of critical habitat for vernal pool tadpole shrimp (*Lepidurus packardii*) are the habitat components that provide:

(i) Topographic features characterized by mounds and swales and depressions within a matrix of surrounding uplands that result in complexes of continuously, or intermittently, flowing surface water in the swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water for a minimum of 41 days, in all but the driest years; thereby providing adequate water for incubation, maturation, and reproduction. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

(iii) Sources of food, expected to be detritus occurring in the pools, contributed by overland flow from the pools' watershed, or the results of biological processes within the pools themselves, such as single-celled bacteria, algae, and dead organic matter, to provide for feeding; and

(iv) Structure within the pools described above in paragraph (2)(ii), consisting of organic and inorganic materials, such as living and dead plants from plant species adapted to seasonally inundated environments, rocks, and other inorganic debris that may be washed, blown, or otherwise transported into the pools, that provide shelter.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Shasta County, California. From USGS 1:24,000 scale quadrangle Palo Cedro, Enterprise, Balls Ferry, and Cottonwood. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 562500, 4487400; 562700, 4487100; 562900, 4487200; 563200, 4487200; 563300, 4487000; 563300, 4486700; 563800, 4486400;

564300, 4484700; 564300, 4484400; 564500, 4484100; 564500, 4483800; 564600, 4483700; 564600, 4483400; 564400, 4483100; 564100, 4482800; 564100, 4482600; 564300, 4482600; 564300, 4482300; 564200, 4482200; 564100, 4482100; 564000, 4482100; 564200, 4481800; 564200, 4480900; 563600, 4480900; 563300, 4481000; 563100, 4480900; 562900, 4480900; 562500, 4481200; 562400, 4481500; 562400, 4481700; 562300, 4482400; 562000, 4482500; 561900, 4482800; 561800, 4483300; 561500, 4483700; 561000, 4484000; 560700, 4485400; 560700, 4486500; 560800, 4486700; 561000, 4486900; 561200, 4487000; 561300, 4487600; 561600, 4487900; 562000, 4487900; returning to 562500, 4487400;

(5) Unit 2: Shasta County, California.

(i) Unit 2A: Shasta County, California.

From USGS 1:24,000 scale quadrangle

Balls Ferry. Land bounded by the

following UTM Zone 10, NAD 83

coordinates (E,N): 570448, 4472017;

570459, 4471725; 570459, 4471725;

570459, 4471724; 570408, 4471708;

570382, 4471714; 570356, 4471741;

570335, 4471767; 570304, 4471767;

570298, 4471772; 570279, 4471768;

570240, 4471758; 570210, 4471761;

570196, 4471743; 570183, 4471738;

570173, 4471734; 570160, 4471705;

570156, 4471680; 570156, 4471678;

570150, 4471671; 570139, 4471657;

570139, 4471654; 570139, 4471645;

570118, 4471628; 570092, 4471624;

570089, 4471624; 570071, 4471623;

570054, 4471623; 570006, 4471624;

569975, 4471641; 569952, 4471639;

569913, 4471639; 569893, 4471626;

569866, 4471623; 569852, 4471624;

569821, 4471597; 569810, 4471574;

569789, 4471573; 569761, 4471574;

569757, 4471575; 569735, 4471544;

569722, 4471574; 569676, 4471581;

569658, 4471581; 569644, 4471584;

569625, 4471584; 569605, 4471585;

569557, 4471585; 569534, 4471593;

569517, 4471599; 569494, 4471607;

569465, 4471615; 569438, 4471622;

569415, 4471629; 569400, 4471629;

569400, 4471687; 569400, 4471800;

569600, 4471900; 569600, 4472000;

569900, 4472200; 570200, 4472100;

returning to 570448, 4472017;

(ii) Unit 2B: Shasta and Tehama

Counties, California. From USGS

1:24,000 scale quadrangle Shingletown,

Tuscan Buttes NE, Balls Ferry, Dales,

Bend, and Red Bluff East. Land bounded

by the following UTM Zone 10, NAD 83

coordinates (E,N): 583610, 4475072;

583700, 4475000; 584200, 4475200;

584600, 4475200; 585400, 4474500;

586000, 4473600; 586100, 4473400;

585800, 4472600; 585500, 4472100;

584800, 4471900; 584500, 4471600;

584500, 4471400; 584700, 4471100;

584700, 4470800; 584500, 4470500;

583400, 4469700; 583100, 4469400;

582600, 4468500; 582600, 4467600;

582700, 4466900; 582700, 4466700;

581900, 4465800; 581000, 4465500;

580600, 4465200; 580400, 4465000;

580200, 4463300; 578900, 4462700;

578500, 4462300; 578100, 4462000;

577800, 4460900; 577700, 4460000;

576700, 4459300; 576600, 4458800;

576800, 4458300; 576800, 4457100;

576400, 4456700; 575500, 4456800;

574900, 4456800; 574100, 4455900;

573500, 4455600; 572300, 4455300;

572000, 4455300; 571600, 4455600;

571400, 4455400; 571100, 4454900;

570600, 4454900; 570200, 4454800;

570200, 4455000; 570600, 4455900;

570000, 4456100; 569500, 4456300;

569300, 4456500; 568900, 4456500;

568600, 4456500; 568000, 4456800;

567900, 4457100; 567900, 4458000;

568400, 4458800; 569100, 4459800;

569600, 4460500; 569500, 4460800;

569000, 4460600; 568300, 4460700;

567500, 4460700; 566800, 4460000;

566400, 4460000; 565900, 4461100;

565800, 4461400; 565800, 4461700;

566000, 4462000; 565800, 4462300;

565900, 4462400; 565800, 4462500;

565900, 4462600; 565800, 4462800;

565900, 4462900; 565900, 4463000;

566000, 4463100; 566300, 4463100;

566500, 4463300; 566500, 4463600;

566700, 4463700; 566800, 4463700;

566900, 4463600; 567100, 4463500;

567200, 4463600; 567600, 4463400;

568300, 4463200; 569800, 4463200;

570600, 4463900; 570800, 4464300;

572000, 4465200; 572000, 4466300;

572100, 4466600; 572800, 4467300;

573500, 4468600; 573400, 4469000;

573100, 4469400; 572900, 4469600;

572600, 4469600; 571800, 4468800;

571400, 4468100; 571000, 4467900;

571000, 4468700; 571200, 4468700;

571100, 4469200; 571200, 4469500;

571200, 4470500; 570500, 4470900;

570460, 4470920; 570460, 4470932;

570466, 4470931; 570461, 4471354;

570786, 4471349; 571229, 4471353;

571235, 4471908; 571236, 4471912;

571238, 4471962; 571244, 4471992;

571237, 4472042; 571244, 4472069;

571247, 4472123; 571249, 4472164;

571271, 4472165; 571363, 4472165;

571405, 4472139; 571460, 4472143;

571460, 4472143; 571467, 4472144;

571524, 4472166; 571541, 4472166;

571635, 4472166; 571647, 4472171;

571714, 4472199; 571723, 4472200;

571739, 4472200; 571900, 4472200;

572154, 4472285; 572154, 4472284;

572156, 4472284; 572159, 4472227;

572162, 4472225; 572168, 4472227;

572181, 4472226; 572208, 4472225;

572219, 4472223; 572231, 4472219;

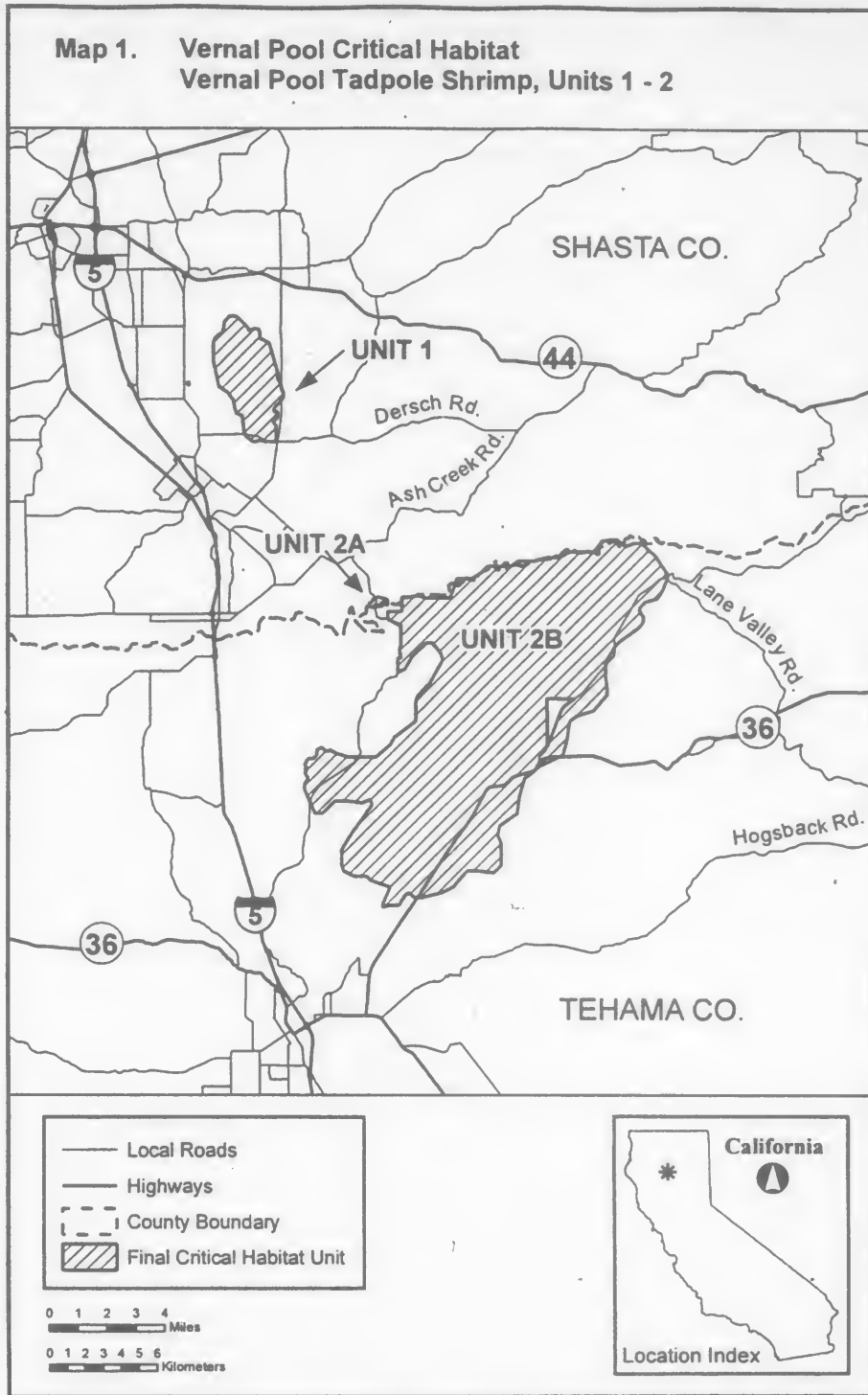
572241, 4472217; 572282, 4472215;  
572307, 4472215; 572325, 4472213;  
572332, 4472212; 572500, 4472100;  
573900, 4472100; 574151, 4472791;  
574207, 4472814; 574212, 4472816;  
574219, 4472814; 574238, 4472808;  
574256, 4472804; 574271, 4472800;  
574293, 4472798; 574321, 4472797;  
574342, 4472798; 574360, 4472803;  
574369, 4472807; 574384, 4472811;  
574403, 4472815; 574428, 4472823;  
574450, 4472828; 574469, 4472831;  
574483, 4472832; 574489, 4472834;  
574488, 4472924; 574488, 4472933;  
574488, 4472941; 574487, 4472952;  
574487, 4472951; 574459, 4472946;

574443, 4472942; 574425, 4472940;  
574411, 4472938; 574397, 4472937;  
574391, 4472934; 574379, 4472930;  
574373, 4472928; 574365, 4472924;  
574356, 4472921; 574353, 4472920;  
574342, 4472919; 574346, 4472925;  
574358, 4472955; 574465, 4473021;  
574448, 4473020; 574445, 4473038;  
574336, 4472971; 574326, 4472947;  
574297, 4472920; 574278, 4472922;  
574261, 4472941; 574253, 4472951;  
574231, 4472975; 574223, 4472987;  
574300, 4473200; 574754, 4473200;  
574939, 4473200; 575100, 4473200;  
575456, 4473413; 575600, 4473500;  
575624, 4473524; 576000, 4473900;

576107, 4473900; 576460, 4473900;  
576600, 4473900; 576883, 4473900;  
577069, 4473900; 577300, 4473900;  
577344, 4473933; 577351, 4473938;  
577700, 4474200; 578600, 4474200;  
578685, 4474224; 578803, 4474258;  
579300, 4474400; 579637, 4474400;  
580000, 4474400; 580600, 4474700;  
580991, 4474700; 581447, 4474700;  
581900, 4474700; 581931, 4474738;  
582400, 4475300; 583000, 4475400;  
583200, 4475400; returning to 583610,  
4475072;

(iii) Note: Units 1 and 2 (Map 1) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 3: Tehama County, California.  
(i) Unit 3A: Tehama County, California. From USGS 1:24,000 scale

quadrangle Acorn Hollow and Richardson Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 588739, 4429822;

588900, 4429500; 589500, 4429500; 589500, 4428600; 589500, 4428000; 589800, 4427100; 590500, 4426400; 590500, 4425300; 591200, 4424400;

591500, 4423300; 591562, 4422558;  
590526, 4423686; 589986, 4424273;  
589816, 4424458; 589129, 4425207;  
588454, 4426221; 588425, 4426265;  
588279, 4426485; 588213, 4426583;  
588213, 4426584; 588600, 4429100;  
588733, 4429833; returning to 588739,  
4429822;

(ii) Unit 3B: Tehama County, California. From USGS 1:24,000 scale quadrangle Richard Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 593700, 4420900; 593164, 4420815; 592329, 4421723; 592258, 4421800; 593000, 4421800; 593100, 4421500; 593500, 4421400; returning to 593700, 4420900;

(iii) Unit 3C: Tehama County, California. From USGS 1:24,000 scale quadrangle Richard Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 594500, 4420300; 593881, 4420035; 593371, 4420590; 594000, 4420800; 594400, 4420600; returning to 594500, 4420300;

(iv) Unit 3D: Tehama and Butte Counties, California. From USGS 1:24,000 scale quadrangle Campbell Mound, Richardson Springs NW, and Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 597100, 4416400; 597100, 4415600; 597044, 4415525; 596800, 4415200; 597100, 4415000; 597800, 4415500; 598100, 4415200; 597600, 4414600; 597600, 4414400; 597300, 4413800; 597300, 4413300; 598200, 4413900; 598400, 4413900; 598400, 4413600; 597422, 4411938; 597281, 4412382; 596959, 4413403; 596640, 4414416; 596620, 4414481; 596305, 4415484; 596303, 4415489;

596130, 4416040; 596091, 4416160;  
596028, 4416358; 596011, 4416411;  
595993, 4416465; 595982, 4416500;  
596000, 4416500; 596100, 4416400;  
596200, 4416500; 596300, 4416600;  
596400, 4416700; 596500, 4416700;  
596500, 4416800; 596600, 4416800;  
597100, 4416400;

(v) Unit 3E: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 598900, 4411800; 599400, 4411700; 599800, 4411700; 599800, 4411000; 599300, 4410700; 599100, 4410800; 599000, 4410800; 598800, 4410600; 598500, 4410400; 598300, 4410100; 598100, 4410000; 598070, 4409970; 598051, 4409993; 598038, 4410010; 598014, 4410083; 597806, 4410737; 597725, 4410990; 597461, 4411816; 597434, 4411900; 597600, 4411900; 598300, 4412700; 598500, 4413300; 598900, 4413300; returning to 598900, 4411800;

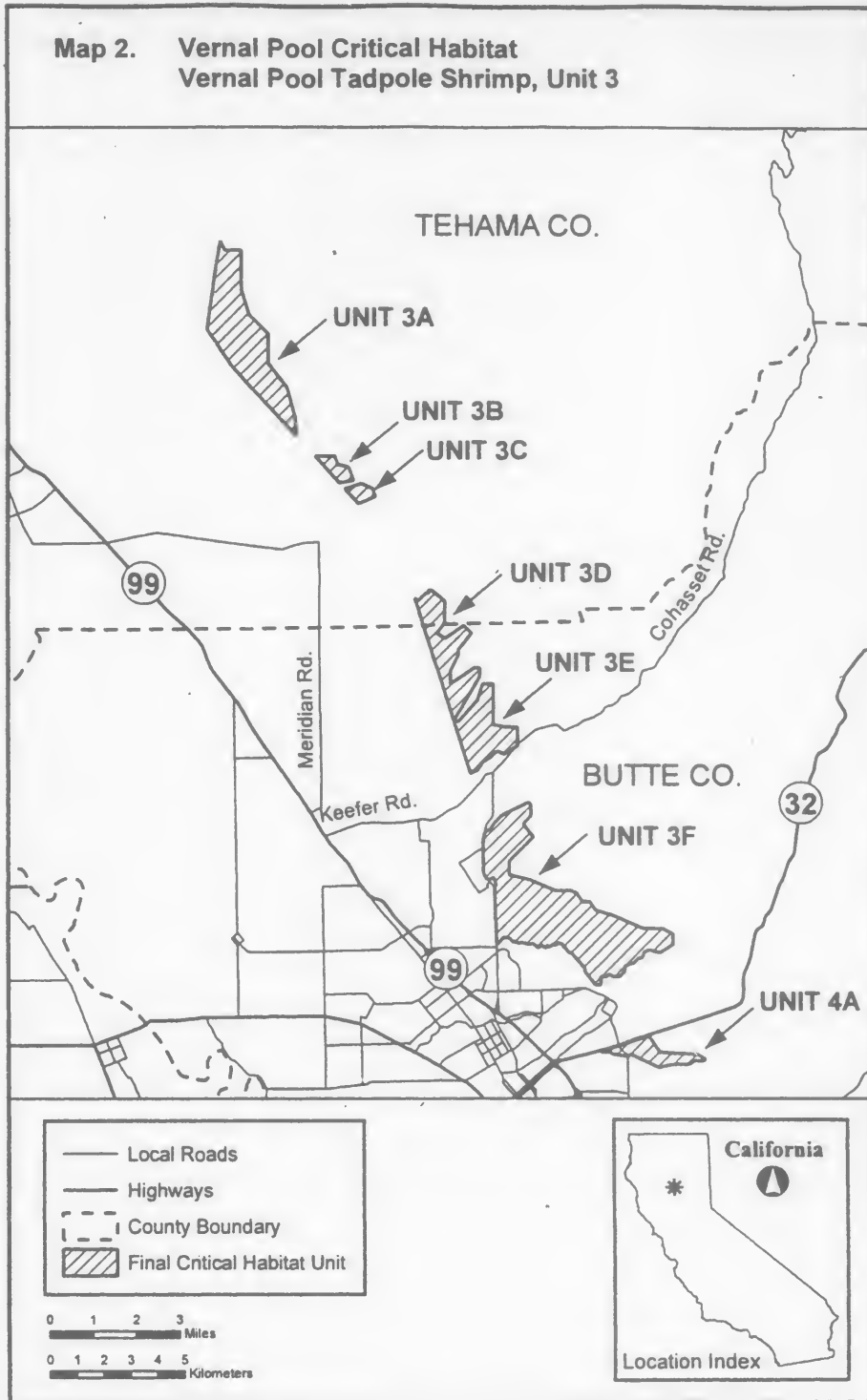
(vi) Unit 3F: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 599500, 4406200; 600300, 4406000; 601200, 4405600; 601800, 4405600; 602000, 4405500; 602200, 4405200; 602500, 4405200; 602700, 4404900; 603300, 4404700; 604500, 4404200; 605200, 4404200; 605600, 4404000; 605600, 4403600; 605100, 4403300; 604700, 4403400; 604500, 4403300; 604475, 4403175; 604400, 4403100; 604300, 4403100; 604200, 4403000; 604100, 4402900; 604000, 4402900; 603800, 4402800; 603800, 4402600; 603600, 4402400;

603400, 4402400; 603200, 4402500;  
603100, 4402400; 602900, 4402400;  
602900, 4402100; 602700, 4402100;  
602300, 4402600; 602300, 4402700;  
601800, 4403300; 601714, 4403300;  
601553, 4403500; 601501, 4403499;  
601465, 4403621; 601319, 4403663;  
601226, 4403595; 601089, 4403571;  
600979, 4403503; 600901, 4403569;  
600860, 4403446; 600704, 4403566;  
600542, 4403475; 600507, 4403530;  
600473, 4403563; 600453, 4403580;  
600369, 4403651; 600344, 4403642;  
600232, 4403605; 599983, 4403679;  
599973, 4403678; 599801, 4403662;  
599725, 4403718; 599651, 4403697;  
599493, 4403839; 599328, 4403862;  
599302, 4403865; 599269, 4403870;  
599084, 4403634; 599024, 4403611;  
598987, 4404400; 598980, 4404543;  
598971, 4404723; 598955, 4405388;  
598953, 4405458; 598951, 4405529;  
598947, 4405677; 598934, 4405719;  
598919, 4405750; 599000, 4405800;  
598900, 4406100; 598700, 4406000;  
598694, 4406000; 598635, 4406058;  
598598, 4406103; 598583, 4406127;  
598567, 4406159; 598549, 4406210;  
598544, 4406234; 598540, 4406255;  
598533, 4406421; 598522, 4406815;  
598516, 4407133; 598511, 4407496;  
598513, 4407515; 598525, 4407568;  
598527, 4407571; 598527, 4407589;  
598580, 4407812; 598800, 4407900;  
598900, 4408100; 599200, 4408400;  
600200, 4408900; 600300, 4408800;  
600300, 4408400; 600000, 4408100;  
600400, 4407600; 599500, 4406700;  
returning to 599500, 4406200.

(vii) Note: Unit 3 (Map 2) follows:

BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(7) Unit 4: Butte County, California.

(i) Unit 4A: Butte County, California.

From USGS 1:24,000 scale quadrangle

Chico. Land bounded by the following  
UTM Zone 10, NAD 83 coordinates  
(E,N): 605100, 4399600; 606500,  
4399500; 606797, 4399330; 606777,

4399300; 606724, 4399252; 606568,  
4399265; 606528, 4399272; 606479,  
4399279; 606478, 4399279; 606394,  
4399264; 606362, 4399238; 606329,

4399210; 606274, 4399169; 606209, 4399135; 606125, 4399122; 606060, 4399122; 605967, 4399131; 605899, 4399134; 605857, 4399134; 605822, 4399130; 605789, 4399116; 605781, 4399138; 605775, 4399149; 605764, 4399152; 605763, 4399152; 605701, 4399142; 605589, 4399116; 605504, 4399107; 605432, 4399110; 605319, 4399064; 605233, 4399045; 605173, 4399034; 605135, 4399023; 605134, 4399023; 605127, 4399023; 605109, 4399023; 605080, 4399025; 605063, 4399025; 605002, 4399051; 604957, 4399069; 604907, 4399092; 604029, 4399508; 603896, 4399435; 603886, 4399435; 603879, 4399436; 603300, 4399523; 603300, 4399600; 602900, 4399600; 603500, 4399800; 604700, 4400200; returning to 605100, 4399600;

## (ii) Unit 4B: Butte County, California.

From USGS 1:24,000 scale quadrangle Hamlin Canyon and Chico. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 606028, 4393143; 606288, 4392851; 606346, 4392785; 606490, 4392637; 606537, 4392593; 607117, 4392045; 607644, 4391539; 607748, 4391438; 607826, 4391363; 608227, 4390978; 608537, 4390636; 608852, 4390288; 609145, 4389965; 609391, 4389694; 609721, 4389330; 609736, 4389313; 609890, 4389143; 610122, 4388889; 610187, 4388819; 610239, 4388754; 610321, 4388664; 610359, 4388624; 610400, 4388500; 609300, 4388100; 609300, 4387900; 608800, 4387800; 608800, 4389300; 607600, 4389300; 607600, 4389500; 607500, 4389600; 607400, 4389600; 607400, 4389900; 607300, 4390000; 607400, 4390000; 607500, 4390100; 607400, 4390300; 607400, 4390500; 607300, 4390600; 607300, 4390800; 607100, 4391000; 605700, 4392300; 605800, 4392300; 606000, 4392500; 606100, 4392700; 605900, 4392900; 605800, 4392900; 605600, 4392800; returning to 606028, 4393143;

## (iii) Unit 4C: Butte County, California.

From USGS 1:24,000 scale quadrangle Hamlin Canyon and Shippee. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 610300,

4383000; 610400, 4382900; 610500, 4382900; 610500, 4382800; 610500, 4382700; 610500, 4382600; 610200, 4382300; 610100, 4382400; 610200, 4382500; 610200, 4382600; 610200, 4382700; 610100, 4382600; 609900, 4382400; 609814, 4382314; 608500, 4383300; 608800, 4383800; 609500, 4384200; 609500, 4384500; 609300, 4385000; 609600, 4385300; 609300, 4385800; 609500, 4386000; 609900, 4386100; 610100, 4386100; 610100, 4386400; 610200, 4386500; 610500, 4386700; 611100, 4387100; 611400, 4387400; 611364, 4387515; 611887, 4386936; 612214, 4386572; 612293, 4386410; 612300, 4386300; 612000, 4386100; 611300, 4384500; 611000, 4384500; 611000, 4383600; 610400, 4383600; 610400, 4383600; 610400, 4383200; 610300, 4383200; 610300, 4383100; 610200, 4383000; returning to 610300, 4383000;

## (iv) Unit 4D: Butte County, California.

From USGS 1:24,000 scale quadrangle Cherokee and Hamlin Canyon. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 617200, 4387700; 616864, 4387566; 616852, 4387659; 616841, 4388048; 616843, 4388082; 616851, 4388261; 616929, 4388656; 616982, 4388850; 617175, 4389518; 617195, 4389572; 617301, 4390087; 617309, 4390125; 617361, 4390354; 617380, 4390409; 617409, 4390495; 617442, 4390589; 617469, 4390681; 618600, 4390600; 618800, 4390200; 618800, 4389700; 617800, 4388300; returning to 617200, 4387700;

## (v) Unit 4E: Butte County, California.

From USGS 1:24,000 scale quadrangle Cherokee, Shippee, and Oroville. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 620700, 4388400; 620700, 4387200; 621300, 4387200; 621600, 4386500; 621400, 4385600; 620900, 4385500; 620600, 4384900; 620400, 4384800; 619600, 4385100; 618600, 4384500; 618592, 4384506; 618592, 4384506; 618560, 4384544; 618512, 4384601; 618377, 4384762; 618358, 4384795; 618286, 4384915; 618226, 4385148; 618207, 4385219; 618185, 4385338; 618017, 4386021; 617998, 4386107; 617951,

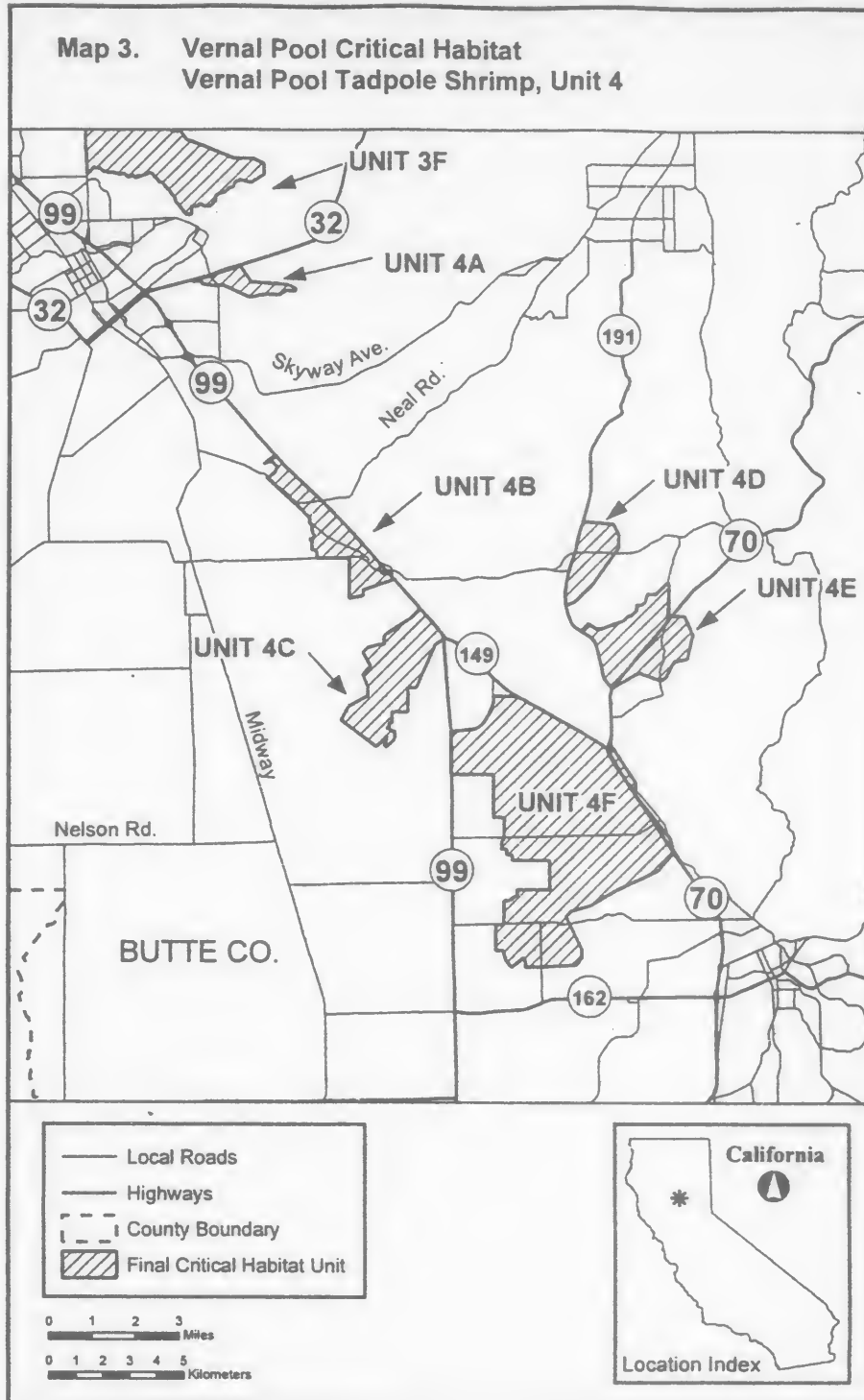
4386211; 617930, 4386256; 617902, 4386281; 617839, 4386361; 617731, 4386441; 617685, 4386463; 617667, 4386465; 617664, 4386478; 617425, 4386625; 617700, 4386900; 618000, 4386700; 618200, 4386700; 618700, 4386900; 619000, 4387000; 619200, 4387200; 619300, 4387200; 619500, 4387400; 619500, 4387600; 619700, 4387600; 619800, 4387700; 619900, 4388000; 620200, 4388000; 620600, 4388400; returning to 620700, 4388400;

## (vi) Unit 4F: Butte County, California.

From USGS 1:24,000 scale quadrangle Oroville and Shippee. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 618368, 4382306; 618445, 4382277; 618444, 4382301; 618457, 4382372; 618463, 4382408; 618500, 4382501; 618500, 4382500; 619300, 4381300; 619500, 4381000; 619500, 4380500; 620800, 4378900; 620900, 4378400; 620300, 4377700; 618800, 4377000; 617800, 4376400; 617100, 4376200; 616900, 4376000; 617500, 4374800; 617500, 4374500; 617300, 4374200; 615415, 4374121; 615404, 4374354; 615319, 4374453; 614883, 4374120; 614665, 4374382; 614570, 4374749; 614300, 4374727; 614300, 4375700; 614600, 4375700; 614600, 4376600; 614800, 4376600; 614900, 4376700; 615100, 4376800; 615100, 4377000; 615900, 4377000; 616300, 4377000; 616300, 4378100; 614900, 4378100; 614900, 4378300; 614700, 4378300; 614700, 4378500; 614500, 4378500; 614500, 4378800; 614600, 4378900; 614600, 4379700; 614200, 4379700; 614200, 4381300; 612600, 4381300; 612600, 4382900; 613500, 4383000; 613700, 4383100; 613800, 4383200; 614000, 4383500; 614200, 4384000; 614200, 4384200; 614800, 4384200; 615073, 4384200; 615806, 4383804; 616704, 4383304; 617266, 4382991; 617327, 4382957; 617563, 4382829; 617589, 4382812; 617987, 4382563; 618347, 4382330; returning to 618368, 4382306.

## (vii) Note: Unit 4 (Map 3) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(8) Unit 6: Colusa County, California. From USGS 1:24,000 scale quadrangle Meridian and Colusa. Land bounded by

the following UTM Zone 10, NAD 83 coordinates (E,N): 585800, 4337200; 585900, 4337200; 585900, 4337200; 585900, 4338200; 586100, 4338200;

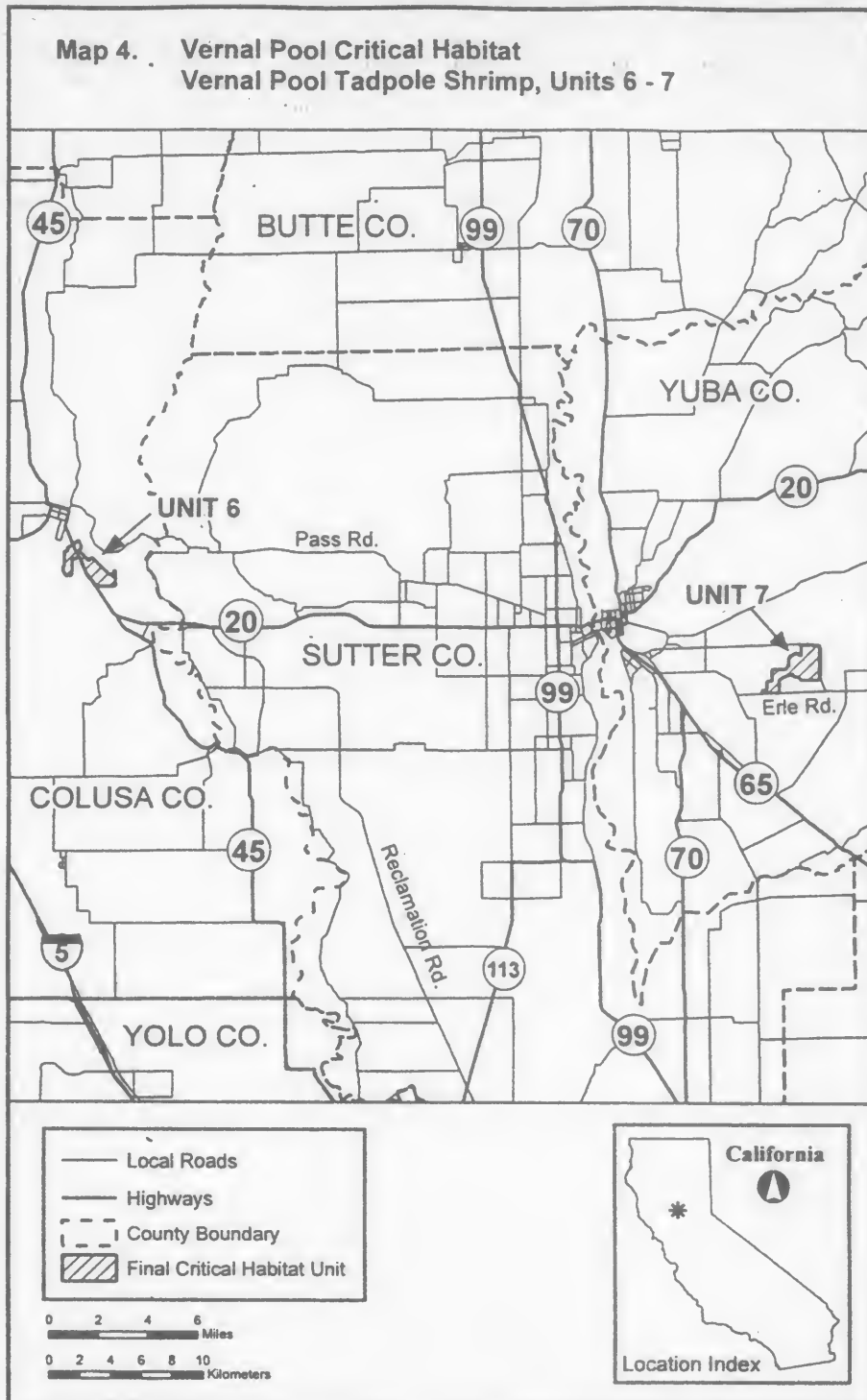
586100, 4338400; 586800, 4338900; 587000, 4338500; 587000, 4338400; 586800, 4338200; 587000, 4338100; 587500, 4337600; 587700, 4337800;

588800, 4336700; 588900, 4336700;  
589100, 4336500; 589100, 4336900;  
589200, 4336900; 589200, 4335900;  
587900, 4335900; 587900, 4336000;  
587400, 4336600; 587300, 4336800;  
586900, 4337800; 586700, 4337800;  
586700, 4337700; 586400, 4337700;  
586400, 4336800; 586300, 4336600;  
586000, 4336600; 585800, 4336900;  
returning to 585800, 4337200;

(9) Unit 7: Yuba County, California.  
From USGS 1:24,000 scale quadrangle  
Browns Valley and Wheatland. Land  
bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 635000,  
4332200; 635000, 4329900; 634600,  
4329900; 633800, 4329900; 633600,  
4330100; 633500, 4330100; 633300,  
4330100; 633300, 4330300; 632700,  
4330100; 632400, 4329900; 632400,

4329000; 631300, 4329000; 631300,  
4329200; 631600, 4329200; 631600,  
4329800; 631900, 4329800; 631900,  
4330600; 632800, 4330600; 633000,  
4330900; 633000, 4331300; 633100,  
4331500; 633500, 4331700; 633800,  
4331500; 633800, 4332200; returning to  
635000, 4332200;

(10) Note: Units 6 and 7 (Map 4) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(11) Unit 8: Sacramento County, California. From USGS 1:24,000 scale quadrangle Carmichael. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 649800, 4269600; 649800, 4268700; 650400, 4268900; 650800, 4268800; 651000, 4268800;

651000, 4269400; 651800, 4269300; 651500, 4268800; 651600, 4267900; 651600, 4266500; 651500, 4266400; 651500, 4266300; 651100, 4266300;

651100, 4266000; 651570, 4265812;  
 651589, 4265075; 651600, 4264400;  
 651400, 4264400; 651400, 4264200;  
 650500, 4264200; 650500, 4264300;  
 650400, 4264300; 650400, 4264600;  
 650000, 4264700; 649900, 4265100;  
 649400, 4265100; 649100, 4265000;  
 648900, 4265100; 648700, 4265100;  
 648700, 4265300; 648700, 4265500;  
 649900, 4265500; 649900, 4266000;  
 648300, 4266000; 648300, 4266200;  
 648500, 4266400; 648700, 4266200;  
 649000, 4266200; 649300, 4266400;  
 649400, 4266600; 649635, 4266678;  
 649700, 4266700; 649794, 4266693;  
 650200, 4267100; 650400, 4267000;  
 650600, 4267000; 650800, 4267200;  
 650900, 4267500; 650800, 4267900;  
 650500, 4267800; 650300, 4268100;  
 649900, 4268400; 649400, 4268100;  
 649100, 4267800; 649100, 4267500;  
 649400, 4267400; 649200, 4267100;  
 648400, 4267100; 648300, 4267700;  
 648000, 4268000; 648600, 4268500;  
 649400, 4268900; 649400, 4269200;  
 649600, 4269600; returning to 649800,  
 4269600;

(12) Unit 9: Sacramento County, California.

(i) Unit 9A: Sacramento County, California. From USGS 1:24,000 scale quadrangle Sloughhouse. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 660660, 4256508; 660681, 4256119; 660600, 4256200; 660300, 4256100; 660000, 4256200; 659800, 4256300; 659850, 4256450; 659900, 4256600; 660200, 4256500; 660300, 4256800; 660515, 4256728; 660633, 4256644; 660645, 4256626; returning to 660660, 4256508;

(ii) Unit 9B: Sacramento and Amador Counties, California. From USGS 1:24,000 scale quadrangle Carbondale, Sloughhouse, Goose Creek, and Clay. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 673200, 4256400; 672800, 4255100; 672800, 4254800; 673100, 4254900; 673800, 4254900; 674000, 4254600; 674000, 4254400; 674500, 4254000; 674500, 4253700; 674100, 4253500; 674100, 4252900; 674300, 4252300; 674500, 4251900; 674500, 4251600; 673400, 4251500; 673300, 4251400; 673300, 4251200; 673900, 4251000; 674000, 4250500; 674300, 4250000; 674300, 4249800; 674200, 4249700; 673900, 4249700; 673600, 4249900; 672500, 4249900; 672315, 4249992; 671900, 4250200; 671300, 4250200; 671100, 4250500; 671000, 4250500; 671000, 4249800; 670700, 4249800; 670700, 4249500; 670800, 4249300; 670800, 4249000; 670900, 4248900; 670900, 4248500; 670500, 4248300; 670500, 4248125; 670400, 4248100; 670400, 4248000; 670100, 4248000; 670100, 4247800; 670500, 4247500;

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 664400, 4246500; 663900, 4246700;  
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 661900, 4247000; 662000, 4247300;  
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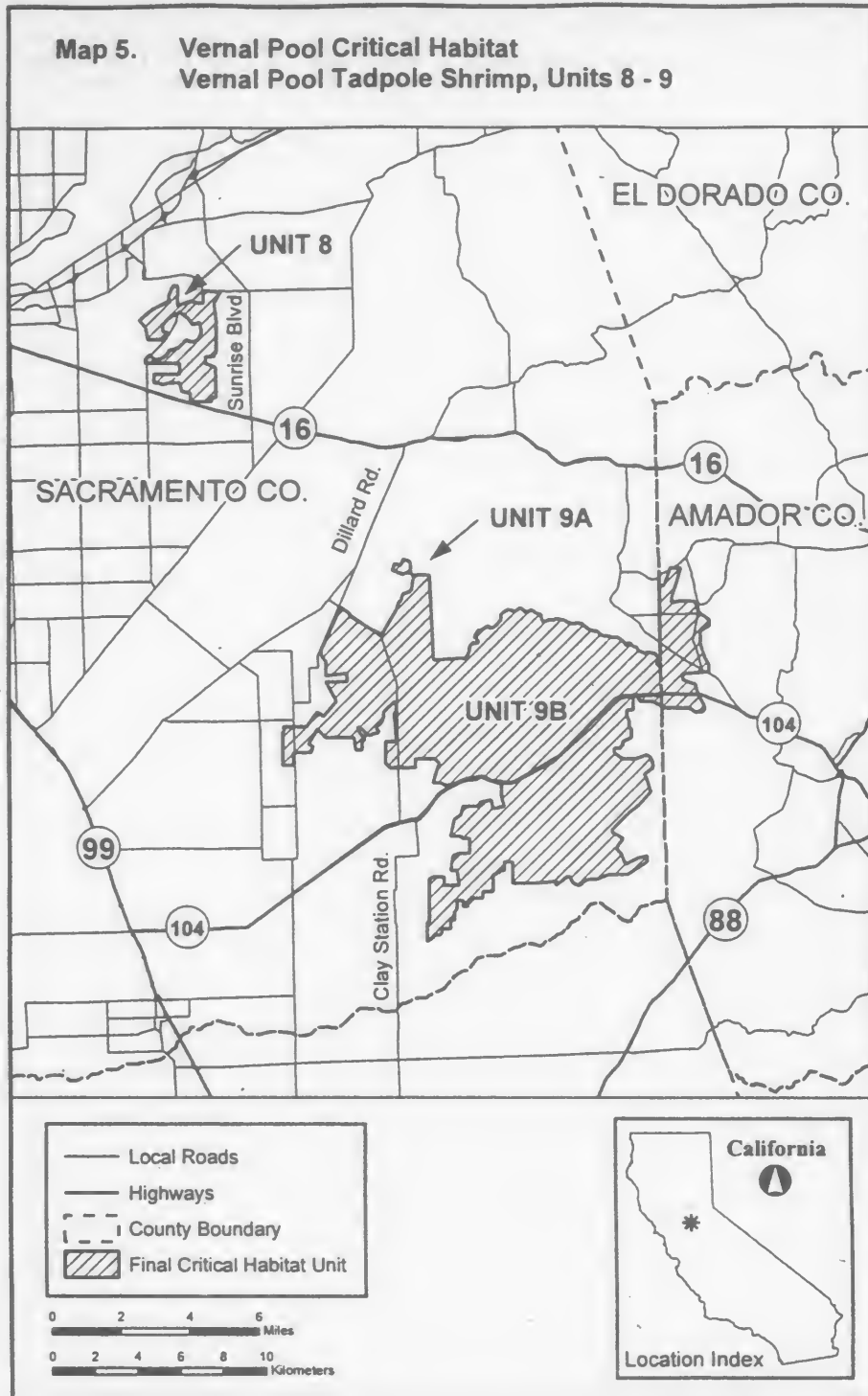
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667618, 4254026; 667801, 4253975;  
667959, 4253881; 668167, 4253821;  
668360, 4253834; 668422, 4253849;  
668525, 4253837; 668643, 4253804;  
668700, 4253743; 668799, 4253665;  
668877, 4253610; 668998, 4253531;  
669098, 4253487; 669171, 4253483;  
669251, 4253471; 669328, 4253465;  
669399, 4253396; 669461, 4253324;  
669558, 4253276; 669619, 4253256;  
669665, 4253257; 669859, 4253247;  
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670727, 4252921; 670756, 4252934;  
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670883, 4252896; 670912, 4252829;  
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671438, 4252504; 671509, 4252465;  
671531, 4252448; 671559, 4252450;  
671603, 4252490; 671631, 4252509;  
671674, 4252515; 671716, 4252510;  
671773, 4252503; 671827, 4252497;  
671848, 4252476; 671934, 4252419;  
671943, 4252426; 671963, 4252453;  
671990, 4252458; 672004, 4252435;  
672042, 4252400; 672107, 4252306;  
672117, 4252284; 672129, 4252256;  
672134, 4252244; 672152, 4252230;

672159, 4252200; 672153, 4252190;  
672148, 4252180; 672110, 4252165;  
672104, 4252149; 672109, 4252101;  
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672107, 4251980; 672120, 4251908;  
672151, 4251893; 672177, 4251906;  
672185, 4251900; 672199, 4251865;  
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672263, 4251784; 672271, 4251775;  
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672263, 4252199; 672247, 4252916;  
672246, 4252941; 672231, 4253670;  
672225, 4253953; 672223, 4254006;  
672220, 4254157; 672219, 4254229;  
672217, 4254287; 672192, 4255610;  
672200, 4255600; 672400, 4255600;  
672700, 4256400; returning to 673200,  
4256400;

(iii) Note: Units 8 and 9 (Map 5) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(13) Unit 10: Yolo County, California.  
 From USGS 1:24,000 scale quadrangle  
 Davis. Land bounded by the following

UTM Zone 10, NAD 83 coordinates  
 (E,N): 615400, 4262300; 615400,  
 4260700; 614500, 4260700; 614500,  
 4261500; 614200, 4261500; 614200,

4261800; 614000, 4261800; 614000,  
 4262300; returning to 615400, 4262300;

(14) Unit 11: Solano County,  
 California



(i) Unit 11A: Solano County, California. From USGS 1:24,000 scale quadrangle Dozier. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 600400, 4243000; 600400, 4242200; 601300, 4242200; 601300, 4241416; 601002, 4241415; 600878, 4241415; 600446, 4241414; 600021, 4241414; 599000, 4241412; 599000, 4242300; 599600, 4242300; 599600, 4243000; returning to 600400, 4243000;

(ii) Unit 11B: Solano County, California. From USGS 1:24,000 scale quadrangle Elmira. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 593200, 4242200; 593200, 4240600; 593211, 4240600; 593255, 4239807; 592030, 4239793; 592062, 4240126; 592044, 4240137; 592026, 4240170; 592026, 4240181; 592030, 4240261; 592300, 4240800; 592100, 4240800; 591800, 4241000; 591700, 4241100; 591600, 4241200; 591600, 4241300; 591600, 4241700; 591700, 4241700; 591800, 4241600; 591900, 4241600; 592000, 4241500; 592200, 4241300; 592300, 4240900; returning to 593200, 4242200;

(iii) Unit 11C: Solano County, California. From USGS 1:24,000 scale quadrangle Elmira and Denverton. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 589698, 4236560; 589600, 4234900; 589700, 4234900; 589700, 4234500; 590100, 4234500; 590100, 4234064; 589400, 4234000; 589000, 4234400; 588500, 4234400; 588500, 4236400; 588549, 4236449; 588944, 4236551; 589524, 4236558; 589670, 4236559; returning to 589698, 4236560;

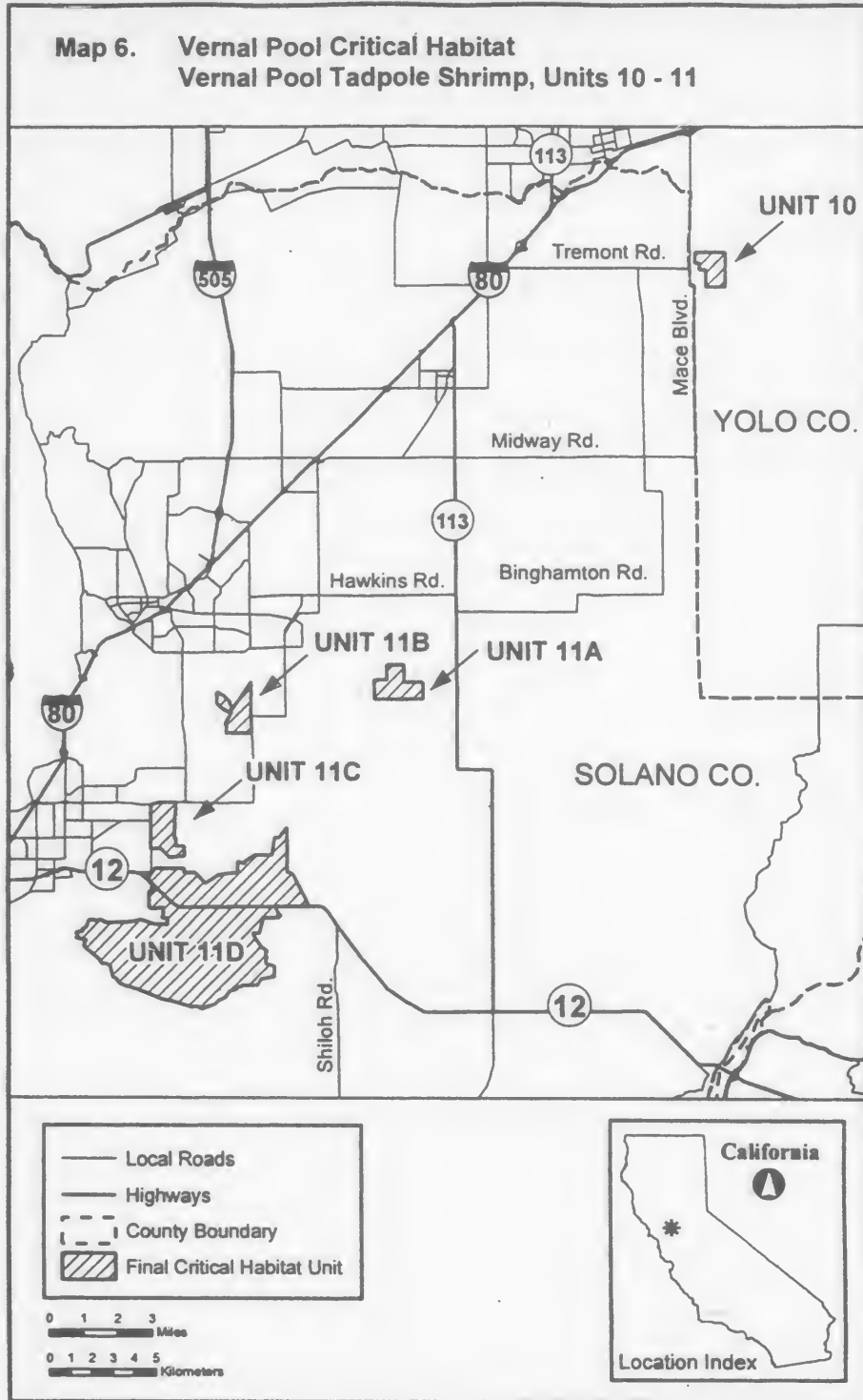
(iv) Unit 11D: Solano County, California. From USGS 1:24,000 scale quadrangle Elmira, Denverton, and

Fairfield South. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 594915, 4234098; 594916, 4233314; 595044, 4233310; 595068, 4233296; 595131, 4233266; 595174, 4233226; 595189, 4233210; 595239, 4233151; 595322, 4232978; 595423, 4232778; 595483, 4232667; 595553, 4232524; 595699, 4232243; 595966, 4231717; 594927, 4231710; 594445, 4231707; 594409, 4231673; 594410, 4231616; 594434, 4231540; 594474, 4231494; 594495, 4231457; 594497, 4231414; 594510, 4231370; 594543, 4231356; 594575, 4231342; 594603, 4231341; 594614, 4231338; 594616, 4231325; 594618, 4231311; 594614, 4231290; 594605, 4231284; 594583, 4231275; 594573, 4231268; 594557, 4231245; 594550, 4231209; 594543, 4231179; 594500, 4231200; 593800, 4231200; 593600, 4230500; 593291, 4230515; 593291, 4230514; 593700, 4229900; 594000, 4229700; 593900, 4229600; 593900, 4229500; 594000, 4229400; 593900, 4229300; 593900, 4229100; 594300, 4229000; 594300, 4228500; 593700, 4228400; 593500, 4228100; 592800, 4228100; 592700, 4228000; 592600, 4228000; 592500, 4227900; 592200, 4227800; 592000, 4227500; 591700, 4227400; 591500, 4227200; 591200, 4227100; 590900, 4227000; 590700, 4227100; 590400, 4227100; 589400, 4227400; 589265, 4227400; 589026, 4227463; 588707, 4227579; 587979, 4227869; 587973, 4227872; 587467, 4228036; 587339, 4228077; 587009, 4228197; 586933, 4228334; 586900, 4228400; 586700, 4228500; 586600, 4229000; 586400, 4229100; 586200, 4229100; 586100, 4229300; 585400, 4229900; 585400, 4230100; 585500, 4230200; 585000, 4230300; 585100, 4230400;

585000, 4230500; 585111, 4230567; 585124, 4230550; 585327, 4230585; 585319, 4230629; 585295, 4230649; 585270, 4230662; 585500, 4230800; 585600, 4231100; 585903, 4231100; 585908, 4231071; 585926, 4231064; 585956, 4231058; 586038, 4231061; 586045, 4231073; 586045, 4231088; 586027, 4231096; 586022, 4231100; 586267, 4231100; 586273, 4231084; 586323, 4231038; 586340, 4230994; 587435, 4231016; 587882, 4231052; 587967, 4231111; 587991, 4231124; 588015, 4231126; 588034, 4231123; 588075, 4231099; 588085, 4231097; 588116, 4231095; 588700, 4230900; 588842, 4230900; 588842, 4230900; 588925, 4230897; 588989, 4230899; 589090, 4230913; 589179, 4230901; 589179, 4230901; 589240, 4230894; 589274, 4230890; 589315, 4230894; 589321, 4230909; 589313, 4231179; 589015, 4231215; 589100, 4231300; 589100, 4231700; 588600, 4231600; 588440, 4231680; 588417, 4232400; 588500, 4232400; 588500, 4232500; 588600, 4232800; 588400, 4233000; 588600, 4233300; 588700, 4233500; 589300, 4233500; 589983, 4233500; 590000, 4233500; 590100, 4233500; 590100, 4233300; 590600, 4233300; 591100, 4232800; 591138, 4232825; 591143, 4232820; 591184, 4232856; 591700, 4233200; 592513, 4233290; 592594, 4233291; 592594, 4233299; 592600, 4233300; 592600, 4233800; 592900, 4233700; 592900, 4233751; 592901, 4233751; 592900, 4233754; 592900, 4233800; 593400, 4234100; 594200, 4234100; 594300, 4234900; 594500, 4234900; 594890, 4235396; returning to 594915, 4234098;

(v) Note: Units 10 and 11 (Map 6) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(15) Unit 13: Stanislaus County, California.

(i) Unit 13A: Stanislaus County, California. From USGS 1:24,000 scale quadrangle Paulsell. Land bounded by the following UTM Zone 10, NAD 83

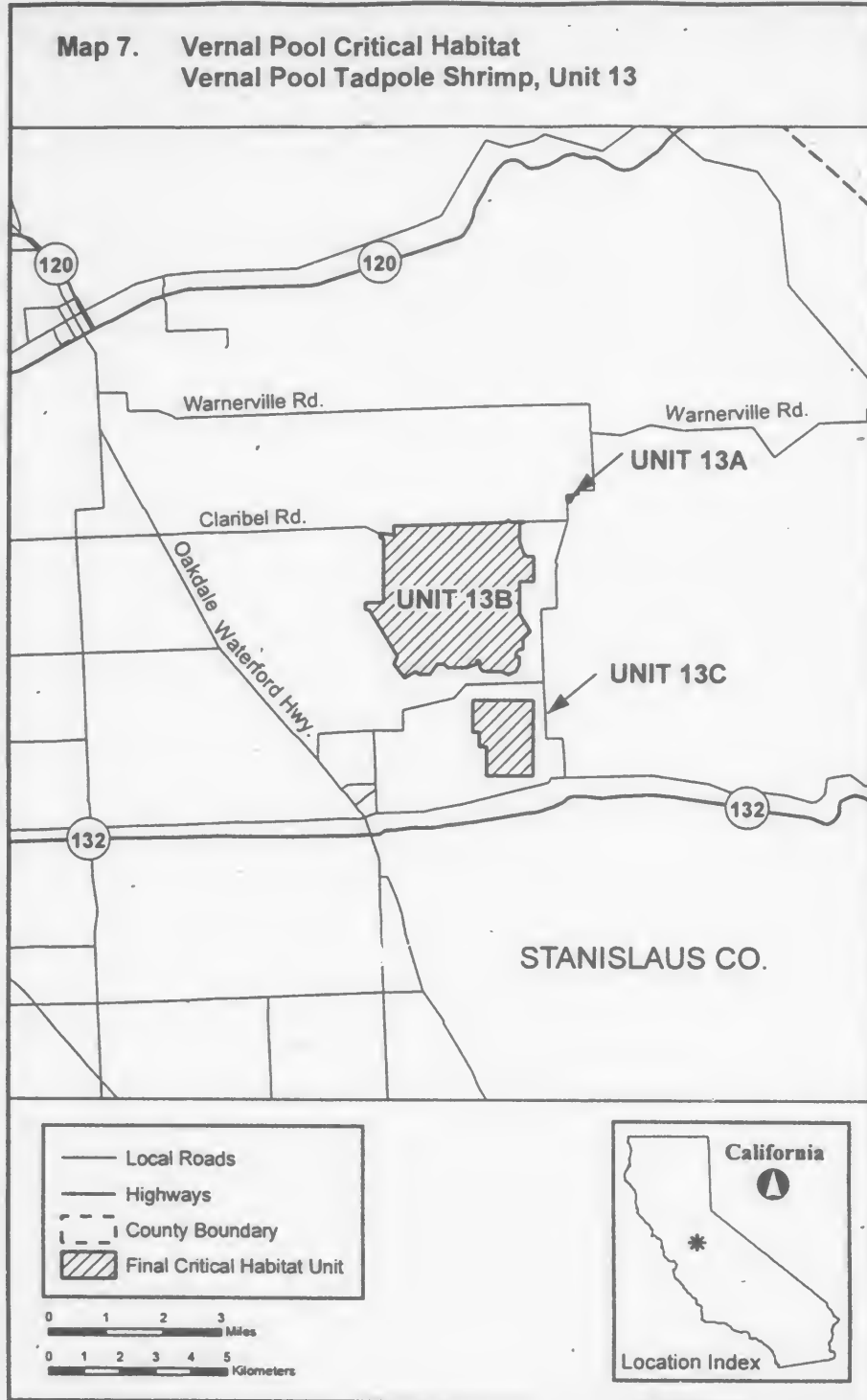
coordinates (E,N): 703100, 4177500; 703000, 4177300; 702911, 4177359; 702906, 4177503; 703100, 4177507; returning to 703100, 4177500;

(ii) Unit 13B: Stanislaus County, California. From USGS 1:24,000 scale quadrangle Paulsell and Waterford. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 701282, 4176830; 701345, 4176765; 701756, 4176778; 701600, 4176700; 701600, 4176500; 701600, 4176200; 701700, 4175900; 701800, 4175800; 702000, 4175800; 702000, 4175100; 701600, 4175100; 701600, 4174200; 701900, 4173700; 701800, 4173600; 701700, 4173500; 701700, 4173300; 701700, 4173200; 701600, 4173200; 701500, 4173100; 701500, 4173000; 701600, 4173000; 701600, 4172800; 701500, 4172600; 701300, 4172500;

701100, 4172600; 700700, 4172600; 700600, 4172600; 700500, 4172700; 700500, 4172900; 700400, 4172900; 700400, 4172800; 700100, 4172700; 699600, 4172700; 699500, 4172800; 699300, 4172800; 699100, 4172500; 698800, 4172500; 698700, 4172600; 698400, 4172400; 698100, 4172800; 698200, 4173000; 697400, 4174300; 697300, 4174300; 697300, 4174500; 697800, 4174500; 697800, 4176300; 697700, 4176300; 697700, 4176437; 698090, 4176397; 698085, 4176613; 698084, 4176642; 699300, 4176684; 700500, 4176726; 701204, 4176750; returning to 701282, 4176830;

(iii) Unit 13C: Stanislaus County, California. From USGS 1:24,000 scale quadrangle Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 702000, 4171800; 702000, 4169800; 702000, 4169700; 701000, 4169700; 700700, 4169700; 700700, 4170400; 700700, 4170500; 700550, 4170500; 700500, 4170500; 700500, 4170533; 700500, 4170900; 700300, 4170900; 700300, 4171100; 700300, 4171800; 701200, 4171800; returning to 702000, 4171800.

(iv) Note: Unit 13 (Map 7) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(16) Unit 14: Alameda County, California.

(i) Unit 14A: Alameda County, California. From USGS 1:24,000 scale quadrangle Milpitas. Land bounded by the following UTM Zone 10, NAD 83

coordinates (E,N): 590100, 4150400; 590481, 4150210; 590452, 4150159; 590383, 4150201; 590320, 4150230; 590312, 4150216; 590309, 4150216;

590306, 4150215; 590303, 4150215;  
 590300, 4150214; 590297, 4150213;  
 590294, 4150212; 590291, 4150212;  
 590202, 4150262; 590201, 4150263;  
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 589911, 4150070; 589906, 4150066;  
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 589869, 4150050; 589863, 4150049;  
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 589846, 4150045; 589840, 4150045;  
 589834, 4150044; 589829, 4150044;  
 589823, 4150044; 589817, 4150044;  
 589811, 4150044; 589805, 4150045;  
 589799, 4150045; 589794, 4150046;  
 589788, 4150047; 589782, 4150048;  
 589776, 4150050; 589771, 4150052;  
 589765, 4150053; 589760, 4150055;  
 589754, 4150058; 589749, 4150060;  
 589744, 4150063; 589739, 4150066;

589734, 4150068; 589729, 4150072;  
 589724, 4150075; 589719, 4150078;  
 589715, 4150082; 589710, 4150086;  
 589706, 4150090; 589702, 4150094;  
 589698, 4150098; 589694, 4150103;  
 589641, 4150165; 589900, 4150100;  
 returning to 590100, 4150400;

(ii) Unit 14B: Alameda County, California. From USGS 1:24,000 scale quadrangle Milpitas. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 592000, 4150900; 592300, 4150600; 592300, 4150582; 592274, 4150603; 592276, 4150615; 592213, 4150675; 592195, 4150689; 592081, 4150769; 592026, 4150768; 591957, 4150835; 591831, 4150703; 591824, 4150696; 591604, 4150449; 591601, 4150449; 591598, 4150449; 591595, 4150449; 591592, 4150449; 591589, 4150448; 591586, 4150448; 591583, 4150448; 591581, 4150447; 591578, 4150446; 591575, 4150446; 591572, 4150445; 591569, 4150444; 591567, 4150443; 591564, 4150441; 591561, 4150440; 591559, 4150439; 591556, 4150437; 591554, 4150436; 591552, 4150434; 591549, 4150433; 591547, 4150431; 591545, 4150429; 591542, 4150427; 591540, 4150425; 591538, 4150423; 591536, 4150421; 591534, 4150419; 591533, 4150416; 591531, 4150414; 591529, 4150412; 591528, 4150409; 591526, 4150407; 591525, 4150404; 591523, 4150401; 591522, 4150399; 591521, 4150396; 591520, 4150393; 591519, 4150391; 591518, 4150388; 591518, 4150385; 591517, 4150382; 591516, 4150379;

591516, 4150376; 591516, 4150374;  
 591515, 4150371; 591515, 4150368;  
 591515, 4150365; 591515, 4150362;  
 591515, 4150359; 591516, 4150356;  
 591516, 4150354; 591442, 4150273;  
 591396, 4150319; 591243, 4150156;  
 591255, 4150145; 591269, 4150133;  
 591300, 4150104; 591331, 4150075;  
 591473, 4149942; 591550, 4149873;  
 591589, 4149840; 591620, 4149817;  
 591665, 4149787; 591688, 4149775;  
 591721, 4149761; 591777, 4149738;  
 591825, 4149720; 591872, 4149707;  
 591913, 4149697; 591958, 4149690;  
 592001, 4149686; 592064, 4149684;  
 592119, 4149689; 592237, 4150383;  
 592245, 4150384; 592244, 4150388;  
 592251, 4150389; 592252, 4150385;  
 592298, 4150392; 592200, 4150000;  
 592100, 4149600; 592000, 4149500;  
 591984, 4149500; 592103, 4149649;  
 592088, 4149647; 592058, 4149645;  
 592030, 4149647; 591994, 4149650;  
 591954, 4149655; 591886, 4149666;  
 591844, 4149677; 591783, 4149697;  
 591717, 4149723; 591651, 4149757;  
 591594, 4149794; 591557, 4149824;  
 591530, 4149850; 591453, 4149920;  
 591310, 4150053; 591279, 4150082;  
 591248, 4150110; 591235, 4150123;  
 591222, 4150134; 591220, 4150131;  
 591045, 4149947; 590916, 4150021;  
 591500, 4150800; 591600, 4150700;  
 591800, 4150700; returning to 592000, 4150900;

(iii) Note: Unit 14 (Map 8) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(17) Unit 15: Merced, Madera, and Mariposa Counties, California. From USGS 1:24,000 scale quadrangle Raynor

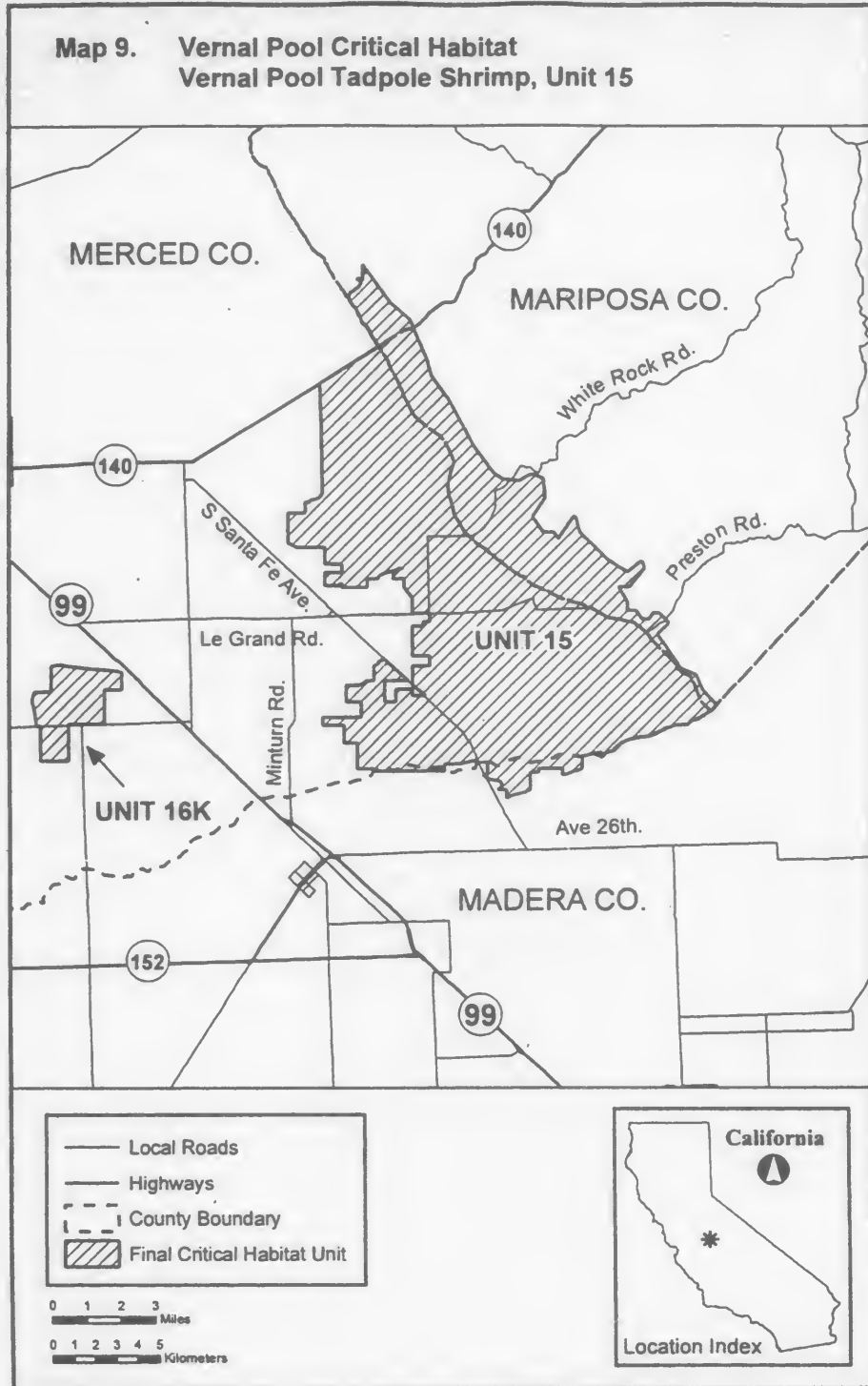
Creek, Le Grand, and Plainsburg. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 747003, 4125902; 747142, 4125971; 747303,

4125987; 747358, 4126000; 747200, 4126000; 747142, 4125971; 747123, 4125969; 747070, 4125950; 747003, 4125902; 747000, 4125900; 746900,

4125900; 746600, 4125800; 746300,  
4125700; 746200, 4125600; 746200,  
4125500; 745700, 4125500; 745700,  
4125100; 744500, 4125100; 744500,  
4125300; 744400, 4125300; 744400,  
4125200; 743700, 4125200; 743700,  
4125800; 744500, 4128600; 744500,  
4126200; 743700, 4126200; 743700,  
4127000; 743600, 4127000; 742700,  
4127000; 742400, 4127000; 742000,  
4127200; 742000, 4128600; 742800,  
4128600; 742800, 4129100; 742900,  
4129100; 743000, 4129100; 743000,  
4129200; 743400, 4129300; 743600,  
4129500; 743600, 4130284; 743605,  
4130284; 743600, 4130493; 743600,  
4130700; 743595, 4130700; 743561,  
4132097; 743560, 4132170; 743556,  
4132335; 743549, 4132692; 743537,  
4133202; 743529, 4133301; 743531,  
4133352; 743530, 4133400; 743523,  
4133729; 743518, 4134016; 743515,  
4134159; 743509, 4134382; 743500,  
4134708; 743504, 4134743; 743565,  
4134782; 744447, 4135329; 746234,  
4136439; 746230, 4136445; 745985,  
4136865; 745952, 4136931; 745915,  
4136978; 745914, 4136987; 745902,  
4137008; 745748, 4137298; 745669,  
4137403; 745620, 4137437; 745503,  
4137487; 745203, 4138201; 744984,  
4138471; 744895, 4138606; 744893,  
4138653; 744892, 4138670; 744854,  
4138756; 744852, 4138807; 744873,  
4138873; 744890, 4138973; 744922,  
4139007; 745038, 4139064; 745171,  
4139174; 745299, 4139239; 745334,  
4139300; 745338, 4139306; 745339,  
4139307; 745400, 4139400; 745432,  
4139432; 745432, 4139432; 745368,  
4139567; 745324, 4139603; 745219,  
4139621; 745269, 4139653; 745281,  
4139676; 745422, 4139619; 745490,  
4139575; 745500, 4139576; 745500,  
4139600; 745500, 4140300; 746100,  
4139500; 746800, 4138500; 747700,  
4137700; 748500, 4135800; 748700,  
4135100; 749500, 4134000; 749501,  
4133999; 750173, 4132710; 750700,  
4131700; 751600, 4130500; 752000,  
4130200; 752094, 4130188; 752157,  
4130180; 752800, 4130100; 753300,  
4130400; 753500, 4130400; 753900,  
4130200; 754000, 4129300; 753400,  
4128400; 753900, 4127700; 754400,  
4127700; 754600, 4127400; 755300,  
4128400; 755400, 4128400; 755600,  
4127700; 756900, 4126400; 757800,  
4125800; 758400, 4126300; 758500,  
4126300; 758600, 4126000; 757900,  
4125100; 757400, 4125100; 757800,  
4124400; 757800, 4124000; 758200,  
4124000; 758500, 4123600; 758800,  
4123600; 759000, 4123900; 759300,  
4123900; 759700, 4123500; 759700,  
4123400; 759200, 4122900; 760300,  
4121300; 761000, 4121000; 761300,  
4120300; 761955, 4119563; 761968,  
4119549; 761718, 4119265; 761701,  
4119258; 761698, 4119256; 761644,  
4119235; 761519, 4119174; 761497,  
4119158; 761476, 4119142; 761412,  
4119094; 761355, 4119052; 761244,  
4118969; 761107, 4118894; 760858,  
4118839; 760750, 4118755; 760594,  
4118634; 760278, 4118609; 760228,  
4118605; 760119, 4118597; 760084,  
4118594; 760084, 4118594; 760008,  
4118588; 759742, 4118512; 759529,  
4118452; 759375, 4118358; 759330,  
4118326; 759173, 4118214; 758783,  
4118084; 758541, 4118070; 758036,  
4117982; 757933, 4117964; 757910,  
4117955; 757910, 4117955; 757811,  
4117918; 757808, 4117917; 757797,  
4117914; 757694, 4117865; 757622,  
4117811; 757620, 4117809; 757616,  
4117808; 757591, 4117800; 757532,  
4117781; 757485, 4117741; 757476,  
4117726; 757475, 4117726; 757450,  
4117700; 757411, 4117661; 757378,  
4117627; 757377, 4117626; 757352,  
4117600; 757350, 4117598; 757221,  
4117467; 757182, 4117433; 757117,  
4117417; 757086, 4117410; 757047,  
4117400; 756985, 4117385; 756917,  
4117369; 756872, 4117341; 756823,  
4117300; 756785, 4117267; 756759,  
4117243; 756745, 4117231; 756634,  
4117128; 756624, 4117124; 756592,  
4117112; 756590, 4117110; 756590,  
4117110; 756500, 4117200; 756223,  
4117292; 756200, 4117300; 755800,  
4117200; 755700, 4117200; 755700,  
4117160; 755700, 4116700; 755700,  
4116600; 755500, 4116500; 755400,  
4116500; 754900, 4116300; 754800,  
4116300; 754800, 4116600; 753700,  
4116600; 753700, 4116400; 753300,  
4116400; 753300, 4115600; 753100,  
4115500; 752700, 4115400; 752400,  
4115300; 752200, 4115200; 752200,  
4115600; 751800, 4115600; 752000,  
4115800; 751900, 4116000; 751400,  
4116100; 751100, 4116300; 751300,  
4116300; 751300, 4116900; 751100,  
4116900; 750815, 4116900; 750800,  
4116900; 750700, 4117000; 750000,  
4116800; 749300, 4116800; 749300,  
4116611; 749300, 4116500; 746800,  
4116500; 746000, 4116500; 746000,  
4116520; 746000, 4116600; 745200,  
4116600; 745200, 4117800; 744600,  
4117800; 744600, 4118600; 743600,  
4118600; 743600, 4119000; 745400,  
4119000; 745400, 4119700; 744700,  
4119700; 744700, 4120500; 745300,  
4120500; 745500, 4120600; 745600,  
4120700; 746000, 4120700; 746000,  
4121400; 746200, 4121500; 746200,  
4121600; 746400, 4121700; 746400,  
4121800; 747600, 4120700; 746500,  
4120700; 746500, 4119700; 747000,  
4119700; 747000, 4120300; 747800,  
4120300; 747800, 4120000; 748400,  
4120000; 747800, 4120500; 747800,  
4121400; 748600, 4121400; 748600,  
4121900; 747800, 4121900; 747800,  
4123300; 748300, 4123300; 748300,  
4123500; 748500, 4123500; 748600,  
4123500; 748600, 4123900; 747800,  
4123900; 747800, 4124600; 747400,  
4125100; 747400, 4125500; 746900,  
4125500; 746900, 4125763; 746902,  
4125767; 746921, 4125818; 746971,  
4125871; 746997, 4125897; returning to  
747003, 4125902; excluding 757175,  
4117475; 757117, 4117435; 757138,  
4117438; 757146, 4117439; 757245,  
4117516; 757255, 4117530; returning to  
757175, 4117475.

(18) Note: Unit 15 (Map 9) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(19) Unit 16: Merced County, California.

(i) Unit 16A: Merced County, California. From USGS 1:24,000 scale quadrangle Stevinson, Gustine, and San Luis Ranch. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 688300, 4129000; 688600, 4128800; 689100, 4128900; 689200, 4128800; 689400, 4128600;



689800, 4128500; 689900, 4128300;  
690200, 4128300; 690400, 4128200;  
690500, 4128000; 690600, 4125500;  
692700, 4125500; 693200, 4125000;  
693100, 4124800; 693100, 4124400;  
693300, 4123700; 693600, 4123400;  
693800, 4123000; 694000, 4122900;  
694079, 4122821; 694035, 4122790;  
692453, 4121671; 692300, 4121900;  
692200, 4122000; 692200, 4122500;  
692100, 4122700; 691800, 4122800;  
691400, 4122800; 691261, 4123079;  
691262, 4123097; 691263, 4123113;  
691267, 4123155; 691273, 4123198;  
691267, 4123238; 691248, 4123272;  
691217, 4123291; 691200, 4123294;  
691200, 4123500; 691110, 4123679;  
691126, 4123677; 691149, 4123682;  
691156, 4123694; 691166, 4123718;  
691177, 4123739; 691191, 4123771;  
691193, 4123793; 691200, 4123800;  
691195, 4123810; 691201, 4123850;  
691215, 4123892; 691220, 4123942;  
691214, 4123980; 691192, 4124020;  
691171, 4124049; 691150, 4124072;  
691127, 4124089; 691099, 4124095;  
691071, 4124095; 691055, 4124090;  
690900, 4124400; 690559, 4124400;  
690559, 4124402; 690569, 4124417;  
690582, 4124427; 690582, 4124447;  
690576, 4124466; 690563, 4124483;  
690546, 4124493; 690525, 4124502;  
690523, 4124502; 690523, 4124519;  
690500, 4124524; 690475, 4124530;  
690469, 4124538; 690445, 4124570;  
690388, 4124590; 690353, 4124592;  
690180, 4124650; 690127, 4124689;  
690083, 4124695; 690025, 4124783;  
690020, 4124854; 689996, 4124900;  
689988, 4125006; 689952, 4125056;  
689912, 4125095; 689856, 4125119;  
689819, 4125184; 689788, 4125210;  
689747, 4125229; 689700, 4125300;  
689658, 4125595; 689665, 4125595;  
689672, 4125603; 689645, 4125757;  
689630, 4125793; 689600, 4126000;  
689700, 4126200; 689600, 4126600;  
689400, 4126600; 689275, 4126538;  
689239, 4126581; 689188, 4126664;  
689134, 4126678; 689121, 4126682;  
689069, 4126728; 689067, 4126852;  
689020, 4126961; 688990, 4126993;  
688911, 4126978; 688903, 4126995;  
688913, 4127006; 689100, 4127100;  
689024, 4127195; 689025, 4127207;  
688949, 4127292; 688931, 4127324;  
688922, 4127322; 688854, 4127407;  
688823, 4127454; 688780, 4127503;  
688735, 4127581; 688723, 4127621;  
688696, 4127650; 688684, 4128244;  
688193, 4128235; 688100, 4128700;  
returning to 688300, 4129000;

(ii) Unit 16B: Merced County, California. From USGS 1:24,000 scale quadrangle Stevinson and San Luis Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 695400, 4125600; 695500,

4122000; 694900, 4122400; 694700, 4122700; 694500, 4122900; 694500, 4123100; 694100, 4123400; 693800, 4123500; 693800, 4123800; 693500, 4123900; 693500, 4124500; 693700, 4124700; 693800, 4125000; 693600, 4125200; 693400, 4125300; 693122, 4125670; 693100, 4125700; 693146, 4125746; 693200, 4125800; 693700, 4125900; 693700, 4127300; 693800, 4127300; 693900, 4127000; 694200, 4126900; 694600, 4126400; 694600, 4126200; 694700, 4126000; 695179, 4125726; returning to 695400, 4125600;

(iii) Unit 16C: Merced County, California. From USGS 1:24,000 scale quadrangle Arena, Stevinson, Turner Ranch, and San Luis Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 699300, 4126300; 699300, 4125400; 700100, 4125400; 700200, 4126000; 700600, 4125700; 701100, 4125300; 701100, 4124300; 700300, 4124300; 700300, 4123800; 700500, 4123800; 700600, 4123500; 701100, 4123400; 701200, 4123200; 701400, 4123100; 701600, 4122700; 701900, 4122500; 702600, 4122200; 702870, 4121705; 703200, 4121100; 703900, 4120500; 704600, 4119800; 704600, 4119800; 704700, 4119700; 698900, 4119600; 698800, 4119700; 698543, 4119957; 698558, 4119970; 698501, 4120012; 698504, 4120069; 698626, 4120197; 698662, 4120077; 698694, 4120113; 698668, 4121116; 698663, 4121510; 698594, 4121508; 698660, 4121600; 699900, 4121600; 700000, 4120400; 700200, 4120400; 700200, 4122700; 697000, 4122600; 696900, 4125100; 697700, 4125100; 697700, 4125300; 697600, 4125400; 697700, 4125600; 698000, 4125700; 698200, 4125800; 698300, 4126100; 698700, 4126500; 699500, 4126500; 699600, 4126300; returning to 699300, 4126300;

(iv) Unit 16D: Merced County, California. From USGS 1:24,000 scale quadrangle Arena and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 706800, 4120900; 706700, 4120500; 706700, 4119700; 708100, 4119700; 708100, 4119600; 708000, 4119500; 707900, 4119200; 707900, 4119000; 708000, 4118900; 708300, 4118900; 708300, 4118100; 707900, 4118100; 707500, 4118500; 706500, 4118500; 706000, 4118900; 705600, 4119300; 705200, 4119700; 704800, 4120000; 704700, 4120100; 704700, 4120400; 705100, 4120400; 705100, 4120600; 704900, 4120700; 704900, 4120800; 705100, 4120800; 704900, 4121000; 705000, 4121100; 705100, 4121700; 705200, 4121700; 705300, 4122000; 705700, 4122100; 705700, 4122200; 705400, 4122300;

705300, 4122400; 705500, 4122600; 705400, 4122600; 705300, 4122500; 705200, 4122500; 705100, 4122500; 704900, 4122500; 704900, 4122700; 704800, 4122800; 704500, 4122800; 704300, 4122900; 704000, 4122800; 703900, 4122900; 703400, 4124400; 703300, 4124600; 701300, 4126500; 700100, 4127600; 700467, 4129067; 700500, 4129200; 700500, 4130600; 701000, 4130600; 701000, 4130100; 701100, 4129800; 701200, 4129800; 701100, 4130100; 701100, 4130600; 701700, 4130600; 701700, 4129200; 701800, 4129200; 702800, 4129200; 703000, 4128800; 703300, 4128800; 703900, 4128800; 703900, 4129000; 704200, 4129000; 704200, 4128500; 703300, 4128400; 703400, 4128300; 703400, 4127900; 703500, 4127800; 703800, 4127500; 703700, 4127300; 703500, 4127300; 703400, 4127100; 703400, 4126100; 703500, 4126100; 704400, 4126100; 704300, 4126000; 704400, 4125900; 704500, 4125300; 704500, 4124800; 705000, 4124800; 705000, 4125300; 705700, 4125300; 705700, 4124900; 706600, 4125000; 706700, 4123700; returning to 706700, 4122100;

(v) Unit 16E: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 711500, 4122200; 711500, 4121700; 711500, 4121200; 709900, 4121300; 709900, 4121900; 709800, 4121900; 709800, 4121800; 709700, 4121500; 709500, 4121500; 709300, 4121600; 708800, 4121400; 708700, 4121300; 706800, 4121300; returning to 706700, 4122100;

(vi) Unit 16F: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 711200, 4120500; 711400, 4120400; 711500, 4120500; 711600, 4119600; 711900, 4119600; 711900, 4119300; 712100, 4119300; 712300, 4119200; 712600, 4119200; 712800, 4118800; 711600, 4118700; 711600, 4118500; 711400, 4118500; 711300, 4118400; 711100, 4118100; 709900, 4118100; 709900, 4118800; 709900, 4119000; 709700, 4119000; 709700, 4119600; 710300, 4119600; 710300, 4119900; 710700, 4119900; 710700, 4120000; 710600, 4120000; 710600, 4120100; 710700, 4120200; 710600, 4120300; 710700, 4120400; 710700, 4120500; 710900, 4120400; 711100, 4120400; returning to 711200, 4120500;

(vii) Unit 16G: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 714600, 4115000; 713300, 4115000; 713100, 4115300; 713300, 4115300; 713800, 4115400; 713800, 4116600; 715400, 4116600; 715500, 4116500; 715500, 4115818; 714600, 4115800; returning to 714600, 4115000;

(viii) Unit 16H: Merced County, California. From USGS 1:24,000 scale quadrangle El Nido and Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 718900, 4120900; 718900, 4120000; 719300, 4120000; 719400, 4120200; 719600, 4120100; 720200, 4120100; 720300, 4120200; 720700, 4120200; 720900, 4120000; 721500, 4120000; 721600, 4120100; 722000, 4120100; 722100, 4120000; 722200, 4120200; 722200, 4120300; 722900, 4120300; 722900, 4119600; 722100, 4119500; 722200, 4118400; 725400, 4118500; 725400, 4118578; 726100, 4118600; 726100, 4120100; 728600, 4120100; 727700, 4118600; 727600, 4118500; 727500, 4118500; 727500, 4118400;

727500, 4116900; 726800, 4116900; 726700, 4116900; 726800, 4115300; 725900, 4115300; 725900, 4116900; 724300, 4116900; 724300, 4117600; 722694, 4117506; 722600, 4117600; 721800, 4117600; 721800, 4118400; 720200, 4118400; 720200, 4117600; 719400, 4117600; 719400, 4116700; 718600, 4116700; 718600, 4117100; 718200, 4117100; 718200, 4117200; 718300, 4117300; 718400, 4117400; 718600, 4117400; 718600, 4117500; 718600, 4118291; 718900, 4118300; 718900, 4118900; 718800, 4119000; 718700, 4119000; 718600, 4119100; 717700, 4119100; 717700, 4119900; 718100, 4119900; 718100, 4119950; 718100, 4120000; 718500, 4120000; 718500, 4120900; returning to 718900, 4120900;

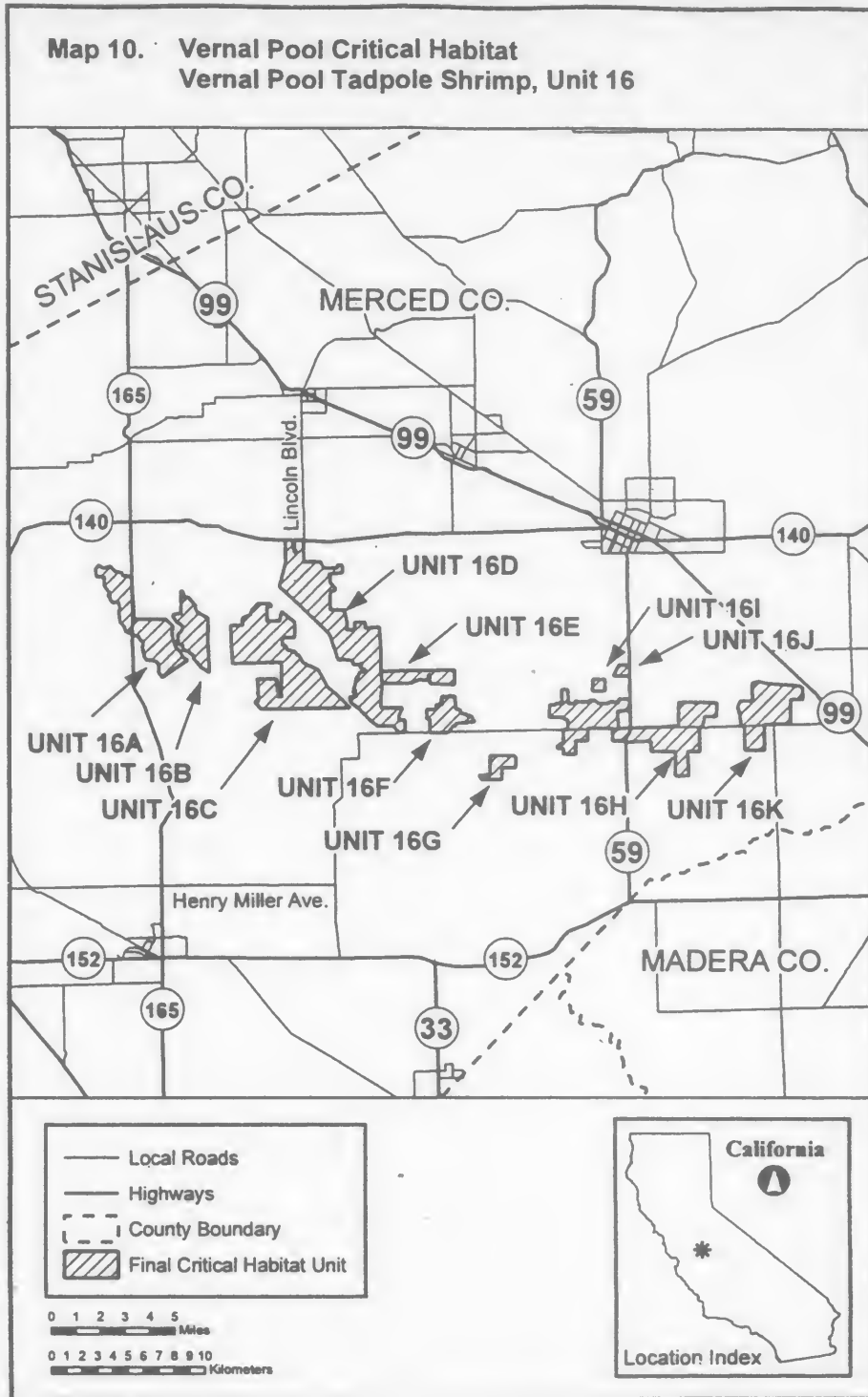
(ix) Unit 16I: Merced County, California. From USGS 1:24,000 scale quadrangle Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 721300, 4120800; 720500, 4120800; 720500, 4121600; 721300, 4121600; 721300, 4121200; returning to 721300, 4120800;

(x) Unit 16J: Merced County, California. From USGS 1:24,000 scale quadrangle El Nido. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 722900, 4121800; 721800, 4121800; 722200, 4122500; 722900, 4122500; returning to 722900, 4121800;

(xi) Unit 16K: Merced County, California. From USGS 1:24,000 scale quadrangle Plainsburg and El Nido. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 731700, 4117000; 730400, 4117000; 730400, 4118600; 730200, 4118600; 730100, 4119300; 730000, 4119700; 730000, 4119900; 730100, 4120200; 730900, 4120200; 730900, 4121400; 731300, 4121500; 731800, 4121400; 732700, 4121300; 734000, 4121200; 734200, 4121100; 734200, 4120300; 733400, 4120300; 733400, 4118700; 731700, 4118700; returning to 731700, 4117000;

(xii) Note: Unit 16 (Map 10) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(20) Unit 17, Fresno County, California. From USGS 1:24,000 scale quadrangle Millerton Lake East and

Academy. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 802663, 4106066; 803207, 4105399; 803781, 4105836;

803880, 4105842; 804343, 4104869; 804150, 4104757; 803962, 4104544; 803981, 4104245; 804206, 4103858; 804331, 4103465; 804238, 4103359;

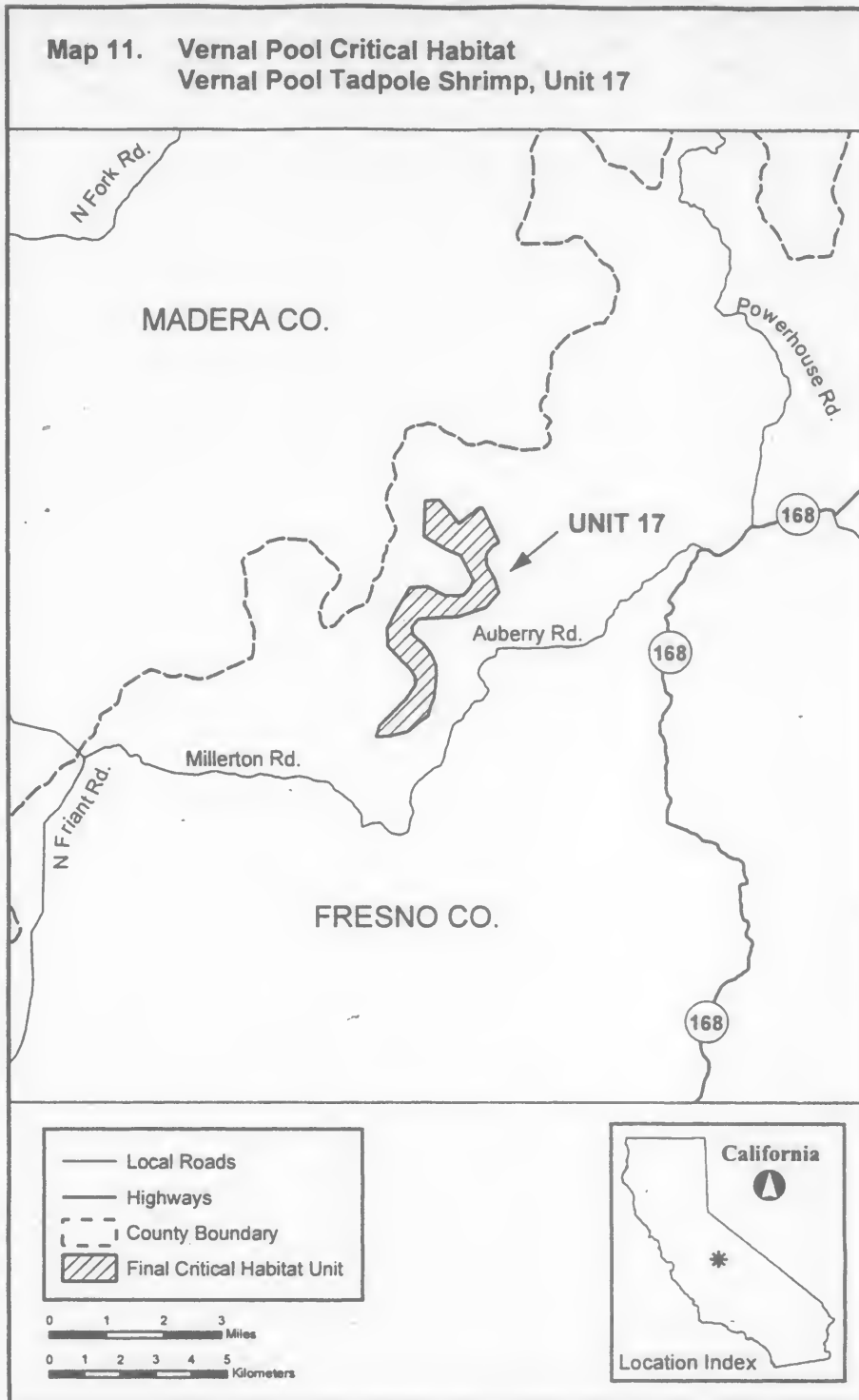
803957, 4103040; 803171, 4102790;  
802073, 4102721; 801886, 4102509;  
801898, 4102309; 802217, 4102028;  
802435, 4101741; 802554, 4101448;  
802573, 4101149; 802511, 4100543;  
802424, 4100337; 802343, 4100031;  
802056, 4099812; 801769, 4099594;

801276, 4099463; 800877, 4099437;  
800958, 4099743; 801712, 4100492;  
801987, 4100911; 801974, 4101110;  
801862, 4101304; 801218, 4101965;  
801187, 4102464; 801455, 4102983;  
801816, 4103607; 802316, 4103638;  
802834, 4103370; 803333, 4103402;

803520, 4103614; 803607, 4103820;  
803264, 4104500; 802852, 4104675;  
802227, 4105036; 802264, 4106041;  
802663, 4106066.

(21) Note: Unit 17 (Map 11) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(22) Unit 18: Tulare and Kings Counties, California.

(i) Unit 18A: Tulare and Kings Counties, California. From USGS 1:24,000 scale quadrangle Monson, Traver, Burris Park, and Remnoy. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 828797, 4041134; 828810, 4040935; 829509, 4040978; 829634, 4040585; 829709,

4039386; 830449, 4039621; 830453, 4039463; 830420, 4039230; 829721, 4039186; 829521, 4039174; 829509, 4039374; 828304, 4039399; 828279, 4039798; 827580, 4039755; 827605, 4039355; 827205, 4039330; 827280, 4038132; 826381, 4038076; 826400, 4037776; 825601, 4037726; 825582, 4038026; 824877, 4038082; 824895, 4037782; 822892, 4037758; 822929, 4037159; 821031, 4037041; 821075, 4036342; 820575, 4036310; 820606, 4035811; 820207, 4035786; 820157, 4034981; 820200, 4034282; 818203, 4034157; 818222, 4033858; 817135, 4033589; 816842, 4033471; 816667, 4033059; 816274, 4032935; 816181, 4032934; 814570, 4032928; 813902, 4032386; 813727, 4031974; 813565, 4031362; 813284, 4031044; 812996, 4030826; 812891, 4032523; 813790, 4032579; 814252, 4033209; 814539, 4033428; 814851, 4034164; 814889, 4034252; 815581, 4034395; 816256, 4034838; 817560, 4034819; 816992, 4035886; 818490, 4035980; 819364, 4036436; 819770, 4036360; 820900, 4037534; 821693, 4037683; 822542, 4038539; 824646, 4038569; 824846, 4038582; 826344, 4038675; 826313, 4039175; 825507, 4039225; 825445,

4040223; 827043, 4040323; 827100, 4041028; returning to 828797, 4041134;

(ii) Unit 18B: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831257, 4040285; 831281, 4039895; 831228, 4039894; 831226, 4040265; 830457, 4040256; 830452, 4040335; returning to 831257, 4040285;

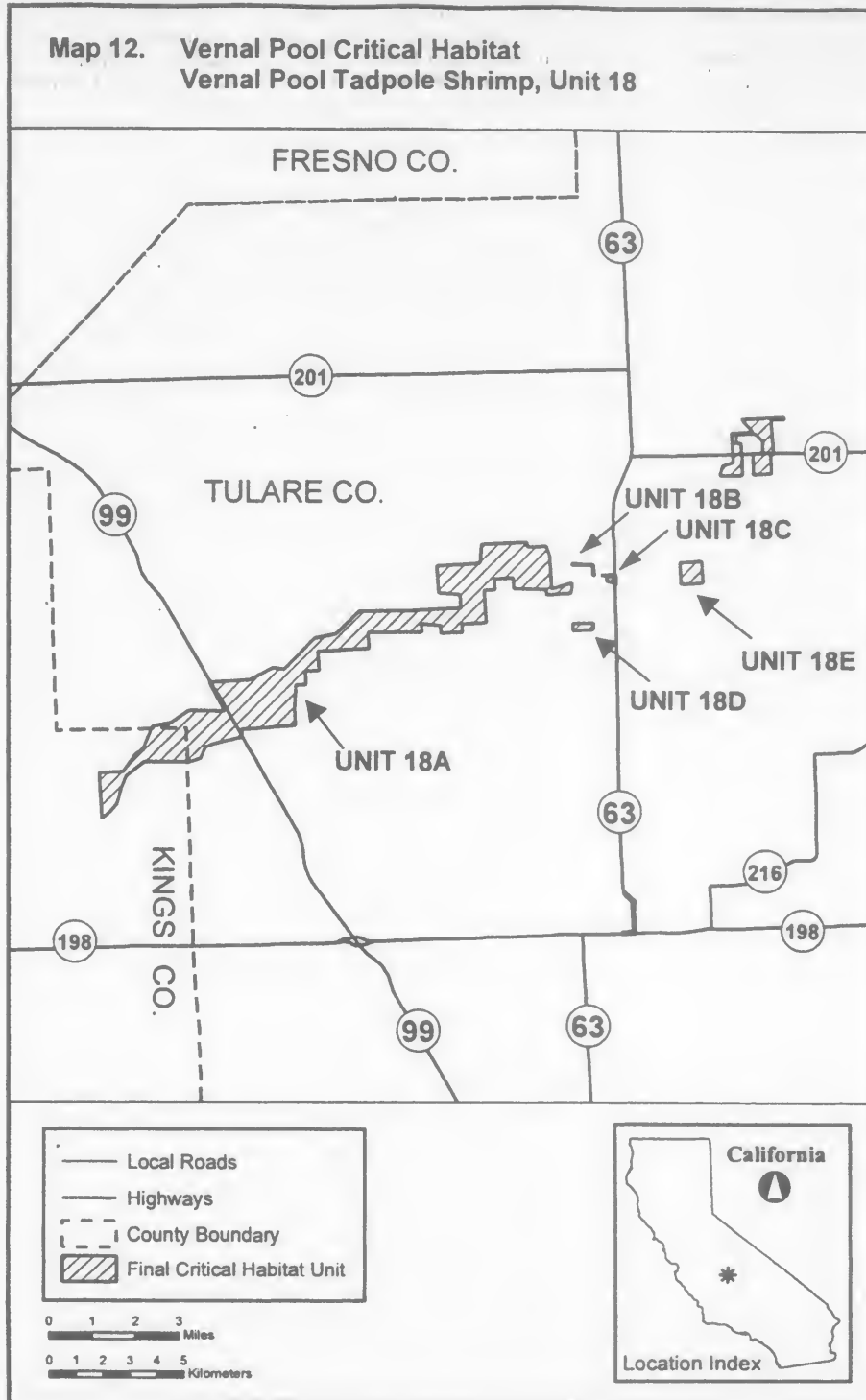
(iii) Unit 18C: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 832081, 4039935; 832106, 4039535; 832038, 4039531; 831991, 4039595; 831752, 4039679; 831748, 4039853; 832035, 4039864; 832031, 4039913; 831542, 4039901; 832081, 4039935; returning to 832081, 4039935;

(iv) Unit 18D: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831258, 4037878; 830508, 4037831; 830507, 4037837; 830510, 4037837; 830495, 4038113; 830867, 4038116; 831249, 4038123; returning to 831258, 4037878;

(v) Unit 18E: Tulare County, California. From USGS 1:24,000 scale quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E, N): 835309, 4039635; 834510, 4039585; 834460, 4040384; 835259, 4040434; returning to 835309, 4039635;

(vi) Unit 18F: Tulare County, California. From USGS 1:24,000 scale quadrangle Ivanhoe. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 837863, 4043705; 837178, 4043663; 837165, 4044455; 837527, 4044471; 837510, 4044925; 837253, 4045186; 836546, 4045165; 836550, 4044829; 836726, 4044828; 836732, 4044453; 886753, 4044453; 836777, 4043638; 836764, 4043637; 836765, 4043628; 835983, 4043614; 835959, 4043687; 836040, 4043993; 836433, 4044117; 836365, 4045216; 837164, 4045266; 836733, 4045741; 838331, 4045841; 838338, 4045740; 837838, 4045710; 837919, 4044411; 837819, 4044405; returning to 837863, 4043705;

(vii) Note: Unit 18 (Map 12) follows:  
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BILLING CODE 4310-55-C

\* \* \* \* \*

5. In § 17.96 add critical habitat for *Castilleja campestris* ssp. *succulenta*

(fleshy owl's-clover), *Chamaesyce hooveri* (Hoover's spurge), *Lasthenia conjugens* (Contra Costa goldfields), *Limnanthes floccosa* ssp. *californica*

(Butte County meadowfoam), *Neostapfia colusana* (Colusa grass), *Orcuttia inaequalis* (San Joaquin Valley Orcutt grass), *Orcuttia pilosa* (hairy

Orcutt grass), *Orcuttia tenuis* (slender Orcutt grass), *Orcuttia viscida* (Sacramento Orcutt grass), *Tuctoria greenei* (Greene's tuctoria), and *Tuctoria mucronata* (Solano grass) under paragraph (a) by adding entries for these species in alphabetical order by family under Asteraceae, Euphorbiaceae, Limnanthaceae, Poaceae, and Scrophulariaceae (respectively), to read as follows:

**§ 17.96 Critical habitat—plants.**

(a) *Flowering plants.*

\* \* \* \* \*

Family Scrophulariaceae: *Castilleja campestris* ssp. *succulenta* (Fleshy owl's-clover)

(1) Critical habitat units are depicted for Fresno, Madera, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties, California, on the map below.

(2) The primary constituent elements of critical habitat for *Castilleja campestris* ssp. *succulenta* (Fleshy owl's-clover) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or

intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to

those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Sacramento and San Joaquin Counties, California. From USGS 1:24,000 scale quadrangles Clay and Lockeford. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 660700, 4234700; 660300, 4234400; 660000, 4234300; 659600, 4233400; 656900, 4233400; 654100, 4233200; 654000, 4233200; 654000, 4232700; 653600, 4232700; 653600, 4234100; 654074, 4234764; 654100, 4234800; 655100, 4234800; 655410, 4234568; 655500, 4234500; 655688, 4234594; 655900, 4234700; 655986, 4234700; 656000, 4234700; 656000, 4234500; 656800, 4234500; 656800, 4234700; 657600, 4234700; 657900, 4235000; 658800, 4235200; 658700, 4235100; 658700, 4234600; 659200, 4234600; 659200, 4234700; 659000, 4234900; 660500, 4235300; 661000, 4235300; 661100, 4235100; returning to 660700, 4234700.

(5) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(6) Unit 2: Tuolumne and Stanislaus Counties, California. From USGS 1:24,000 scale quadrangles Keystone, La

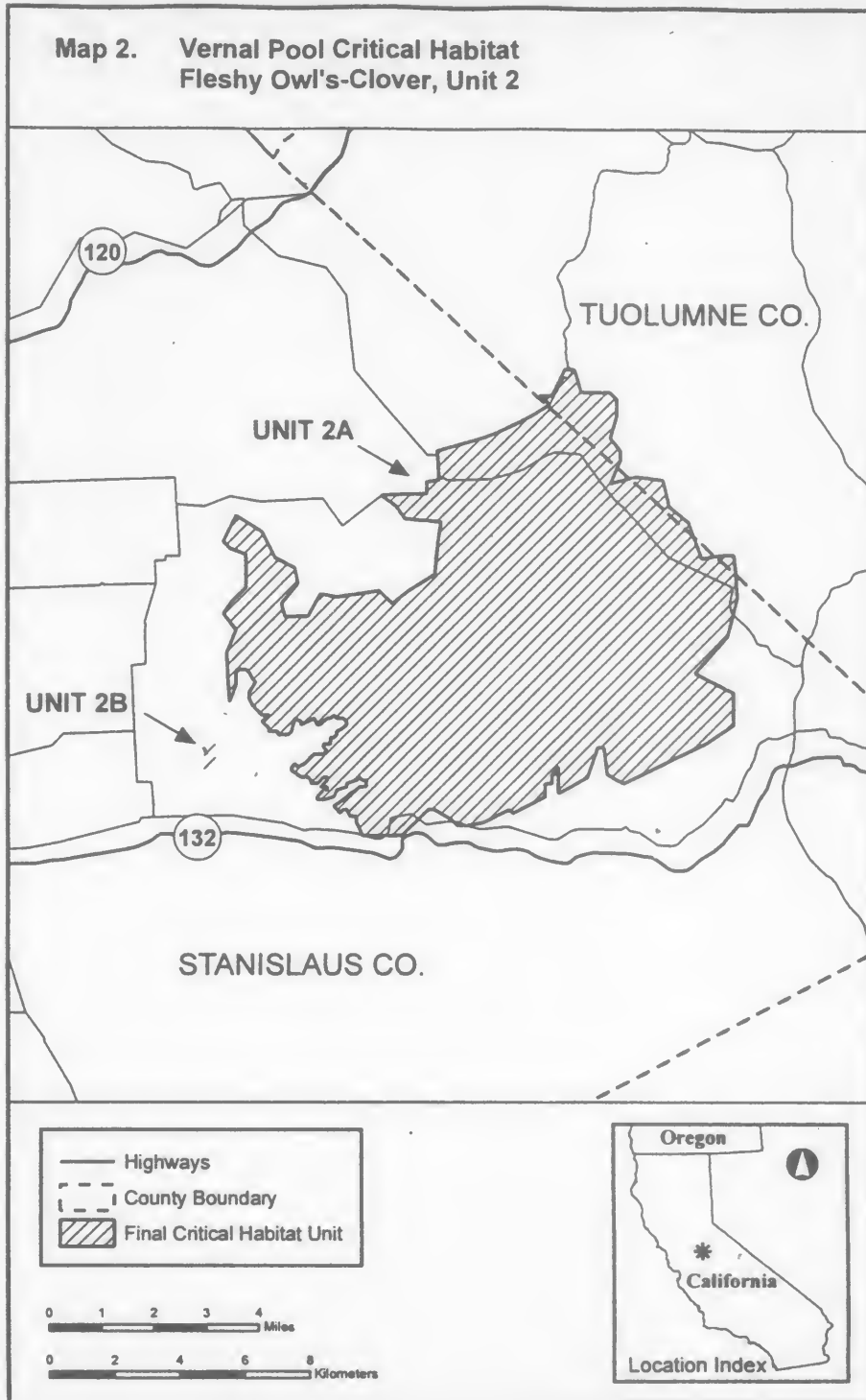
Grange, Cooperstown and Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 715800, 4183400; 716000, 4182700; 716900,

4182700; 717100, 4182500; 717100, 4182000; 716900, 4181300; 717200, 4180900; 717200, 4180600; 717107, 4180383; 716900, 4179900; 717482,

4180046; 717700, 4180100; 718500,  
 4180000; 718700, 4179200; 719300,  
 4178700; 719455, 4178273; 719700,  
 4177600; 720126, 4177671; 720300,  
 4177700; 720700, 4177700; 720745,  
 4177115; 720800, 4176400; 720500,  
 4175200; 719500, 4174100; 720700,  
 4173500; 720700, 4172500; 719800,  
 4171900; 718800, 4171424; 718000,  
 4171043; 717700, 4170900; 717300,  
 4170700; 716800, 4171000; 716700,  
 4171800; 716500, 4171800; 716200,  
 4170900; 715500, 4170500; 715300,  
 4170407; 715300, 4171200; 715200,  
 4171200; 715200, 4171000; 715100,  
 4171000; 715100, 4170700; 714900,  
 4170700; 714900, 4170300; 713900,  
 4169800; 713800, 4169900; 713000,  
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 4169400; 712000, 4169600; 711500,  
 4169900; 711300, 4169900; 710500,  
 4169100; 709300, 4169100; 709100,  
 4169500; 709100, 4169700; 708900,  
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 4169900; 708600, 4169800; 708500,  
 4169900; 708400, 4170000; 708700,  
 4170200; 708800, 4170300; 708900,  
 4170400; 709100, 4170500; 709200,  
 4170600; 709400, 4170600; 709400,  
 4170800; 709300, 4170800; 709200,  
 4170900; 709100, 4170800; 708800,  
 4170700; 708800, 4170600; 708500,  
 4170500; 708400, 4170300; 708100,  
 4170200; 707900, 4170200; 707900,  
 4170300; 708100, 4170500; 708200,  
 4170500; 708200, 4170600; 708000,  
 4170600; 708200, 4170800; 708200,  
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 4171200; 707200, 4171300; 707300,  
 4171200; 707500, 4171300; 707800,  
 4171600; 707900, 4171600; 708100,  
 4171600; 708200, 4171700; 708100,  
 4171800; 708100, 4171900; 708300,  
 4171900; 708300, 4172100; 708400,  
 4172100; 708500, 4172200; 708500,  
 4172300; 708700, 4172400; 708800,  
 4172500; 708800, 4172600; 708700,  
 4172700; 708500, 4172700; 708400,  
 4172800; 708300, 4172700; 708200,  
 4172700; 708100, 4172600; 708000,  
 4172500; 707900, 4172500; 707800,  
 4172700; 707600, 4172600; 707400,  
 4172500; 707400, 4172600; 707200,  
 4172700; 707100, 4172300; 707000,  
 4172200; 706700, 4172200; 706700,  
 4172300; 706500, 4172300; 706400,  
 4172300; 706400, 4172400; 706200,  
 4172600; 706300, 4172700; 706400,  
 4172800; 706300, 4172800; 706200,  
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 4173100; 705800, 4173300; 705800,  
 4173500; 706000, 4173800; 705900,  
 4173900; 705800, 4174100; 705700,  
 4174200; 705500, 4174200; 705400,  
 4174100; 705400, 4173700; 705200,  
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 4173700; 705100, 4174700; 705400,  
 4175400; 705000, 4175900; 705300,  
 4176300; 705700; 4176700; 705700,  
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 4177700; 705200, 4177900; 705000,  
 4178100; 705400, 4178900; 706200,  
 4178400; 706600, 4177600; 707200,  
 4177300; 707300, 4176800; 706800,  
 4176200; 706900, 4175800; 707600,  
 4175800; 707999, 4176498; 708000,  
 4176500; 708000, 4176500; 708500,  
 4176400; 709800, 4176600; 710200,  
 4176200; 710700, 4176600; 711200,  
 4176900; 711500, 4177100; 711600,  
 4178100; 711700, 4178700; 710600,  
 4178800; 710300, 4179200; 709900,  
 4179500; 709879, 4179505; 709905,  
 4179525; 711259, 4179578; 711250,  
 4179933; 711628, 4179987; 711599,  
 4180753; 711578, 4180885; 713039,  
 4181325; 713440, 4181474; 714003,  
 4181741; 714540, 4182019; 714627,  
 4182073; 714634, 4182077; 714982,  
 4182292; 715045, 4182331; 714949,  
 4182425; 714723, 4182600; 715100,  
 4182600; 715500, 4183400; returning to  
 715800, 4183400.

(7) Note: Unit 2 (Map 2) follows:

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BILLING CODE 4310-55-C

(8) Unit 3: Mariposa and Merced Counties, California.

(i) Unit 3A: Mariposa and Merced Counties, California. From USGS 1:24,000 scale quadrangles Merced Falls and Snelling. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 733000, 4162600; 733600, 4162100; 733700, 4161500; 733600, 4161000; 734600, 4160400;

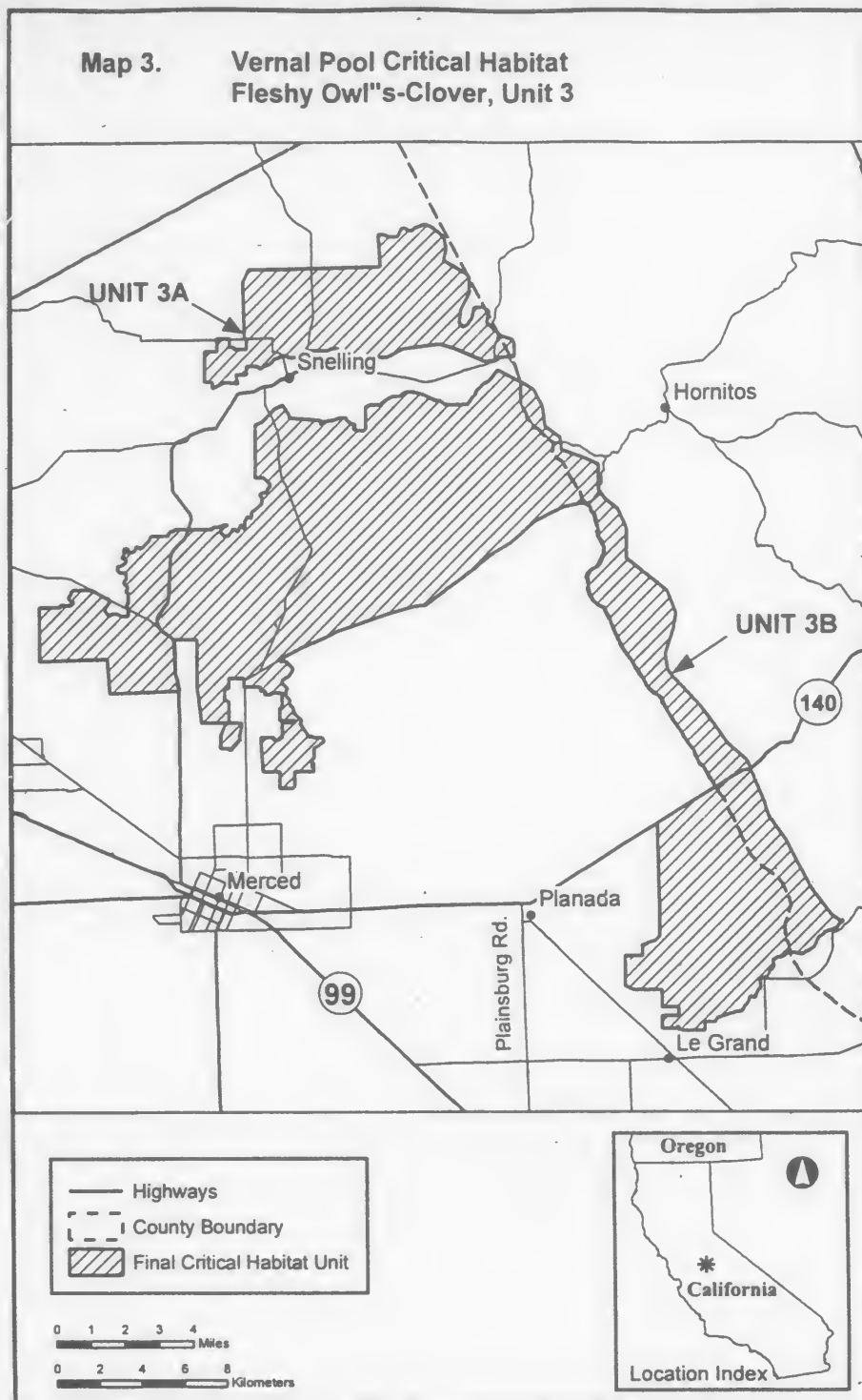
734727, 4160273; 734800, 4160200;  
 734800, 4160135; 734800, 4159500;  
 734400, 4158700; 734300, 4158100;  
 734500, 4157900; 734700, 4158000;  
 734900, 4158300; 735000, 4158800;  
 735500, 4158800; 735505, 4158795;  
 735700, 4158600; 735674, 4158472;  
 735600, 4158100; 735600, 4158100;  
 736171, 4157529; 736200, 4157500;  
 736800, 4157300; 736900, 4157100;  
 736900, 4156500; 736712, 4156500;  
 736300, 4156500; 736000, 4156300;  
 735500, 4156300; 734100, 4156900;  
 733400, 4157100; 731700, 4156900;  
 730900, 4156500; 728900, 4156600;  
 728700, 4156700; 728700, 4156800;  
 728600, 4156900; 728300, 4156900;  
 728100, 4156800; 727900, 4156800;  
 727100, 4156800; 726900, 4156600;  
 726700, 4156500; 726300, 4156500;  
 726100, 4156600; 725800, 4156500;  
 725600, 4156400; 725500, 4156300;  
 725400, 4156200; 725100, 4156100;  
 725000, 4156000; 724900, 4156000;  
 724800, 4156100; 724300, 4156100;  
 724300, 4155700; 723800, 4155700;  
 723900, 4155300; 723300, 4155400;  
 722700, 4155100; 722700, 4155400;  
 722300, 4155400; 722300, 4156800;  
 722900, 4156800; 722900, 4157400;  
 723500, 4157400; 723500, 4157000;  
 723700, 4157000; 723700, 4156900;  
 724300, 4156900; 724300, 4157400;  
 724200, 4157400; 724200, 4157400;  
 724100, 4160000; 724400, 4160600;  
 726199, 4160629; 726199, 4160629;  
 727246, 4160646; 727312, 4160647;  
 728773, 4160670; 729244, 4160678;  
 730600, 4160700; 730500, 4162200;  
 730800, 4162200; 731000, 4162100;  
 731400, 4162100; 731600, 4162500;  
 731800, 4162500; 731900, 4162400;  
 732100, 4162400; 732200, 4162500;  
 732700, 4162700; returning to 733000,  
 4162600.

(ii) Unit 3B: Mariposa and Merced  
 Counties, California. From USGS  
 1:24,000 scale quadrangles Merced  
 Falls, Snelling, Indian Gulch, Haystack  
 Mountain, Yosemite Lake, Winton,  
 Owen's Reservoir, Planada and Merced.  
 Land bounded by the following UTM  
 Zone 10, NAD 83 coordinates (E,N):  
 737800, 4155900; 738200, 4154200;  
 738300, 4153300; 739000, 4152800;  
 739100, 4152200; 740200, 4151800;  
 740800, 4151500; 740800, 4150300;  
 741100, 4149900; 741700, 4149400;  
 742100, 4148500; 742100, 4147100;  
 743400, 4146100; 744000, 4145600;  
 744400, 4144600; 744300, 4143900;  
 743900, 4142700; 744000, 4142000;  
 744200, 4141700; 745500, 4140300;  
 746100, 4139500; 746800, 4138500;  
 747700, 4137700; 748500, 4135800;  
 748700, 4135100; 749500, 4134000;  
 749501, 4133999; 750173, 4132710;  
 750700, 4131700; 751600, 4130500;  
 752000, 4130200; 752100, 4130200;  
 752173, 4130200; 752173, 4130199;  
 752157, 4130180; 752143, 4130162;  
 752035, 4130070; 751965, 4130010;  
 751907, 4129917; 751855, 4129864;  
 751785, 4129829; 751727, 4129817;  
 751693, 4129800; 751681, 4129794;  
 751664, 4129785; 751654, 4129772;  
 751560, 4129753; 751457, 4129733;  
 751416, 4129705; 751410, 4129701;  
 751400, 4129700; 751399, 4129700;  
 751326, 4129693; 751299, 4129685;  
 751191, 4129530; 751123, 4129507;  
 751088, 4129488; 751053, 4129470;  
 751004, 4129410; 751002, 4129402;  
 750955, 4129261; 750909, 4129180;  
 750848, 4129037; 750790, 4128977;  
 750766, 4128953; 750609, 4128861;  
 750506, 4128806; 750420, 4128760;  
 750409, 4128754; 750305, 4128665;  
 750239, 4128660; 750017, 4128694;  
 750006, 4128700; 749963, 4128723;  
 749886, 4128721; 749824, 4128725;  
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returning to 737800, 4155000.

(iii) Note: Unit 3 (Map 3) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(9) Unit 4: Madera and Merced Counties, California.

(i) Unit 4A: Madera and Merced Counties, California. From USGS 1:24,000 scale quadrangle Raynor Creek. Land bounded by the following UTM

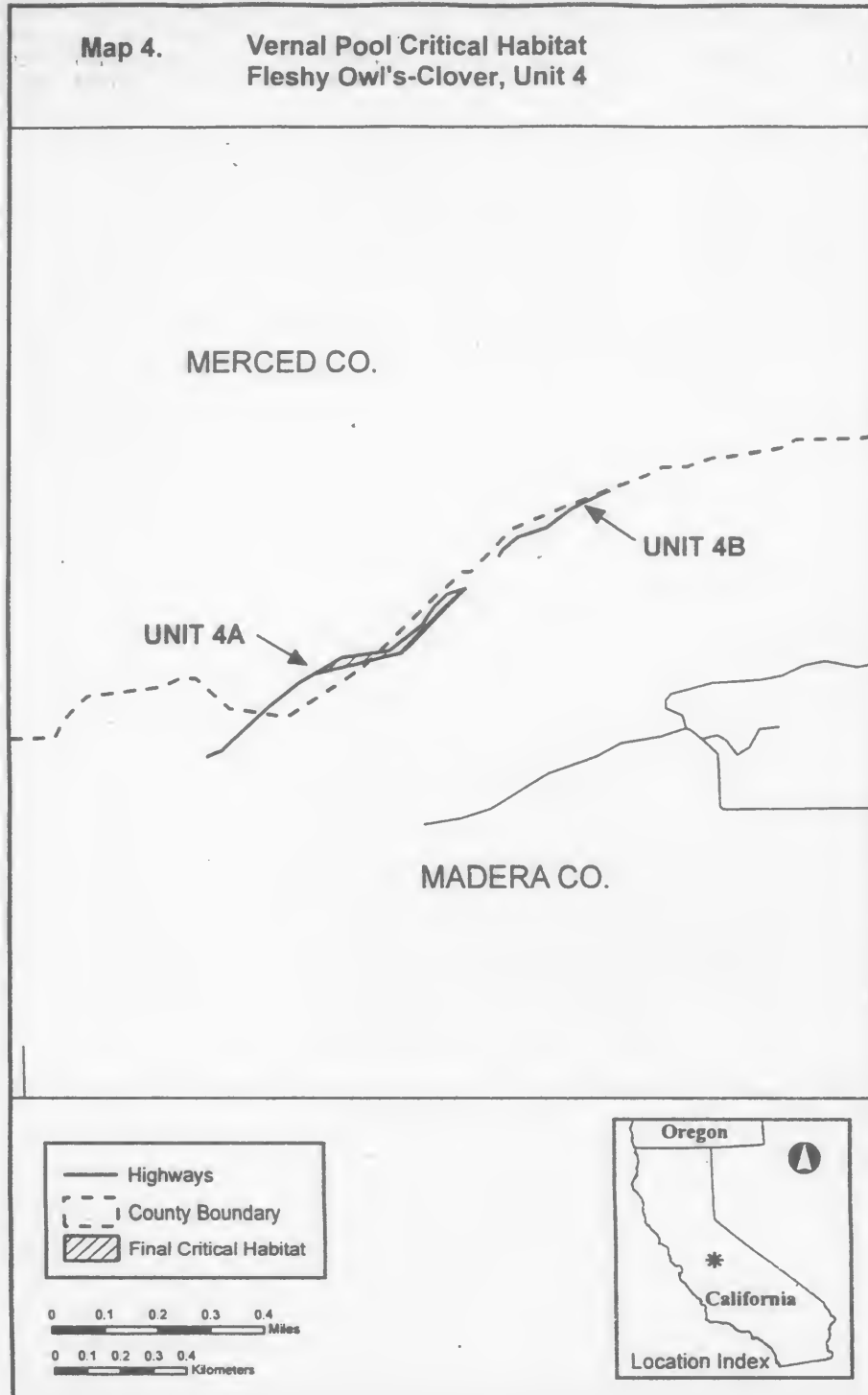
Zone 10, NAD 83 coordinates (E,N):  
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756917, 4117369; 756872, 4117341;

756823, 4117300; 756785, 4117267;  
756759, 4117243; 756745, 4117231;  
756634, 4117128; 756624, 4117124;  
returning to 756592, 4117112.  
(ii) Unit 4B: Madera County,  
California. From USGS 1:24,000 scale  
quadrangle Raynor Creek. Land  
bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 757476,  
4117726; 757475, 4117726; 757484,  
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4117809; 757622, 4117811; 757694,  
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4117918; 757808, 4117917; 757797,  
4117914; 757694, 4117865; 757622,  
4117811; 757620, 4117809; 757616,  
4117808; 757591, 4117800; 757532,  
4117781; 757485, 4117741; returning to  
757476, 4117726.

(iii) Note: Units 4A and 4B (Map 4) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(iv) Unit 4C: Madera and Fresno Counties, California. From USGS 1:24,000 scale quadrangles Millerton

Lake West, Little Table Mountain, Daulton, Friant, Lanès Bridge and Gregg. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N):

768068, 4107230; 768482, 4107223; 768510, 4107237; 768558, 4107312; 768603, 4107420; 768625, 4107444; 768663, 4107460; 768783, 4107434;



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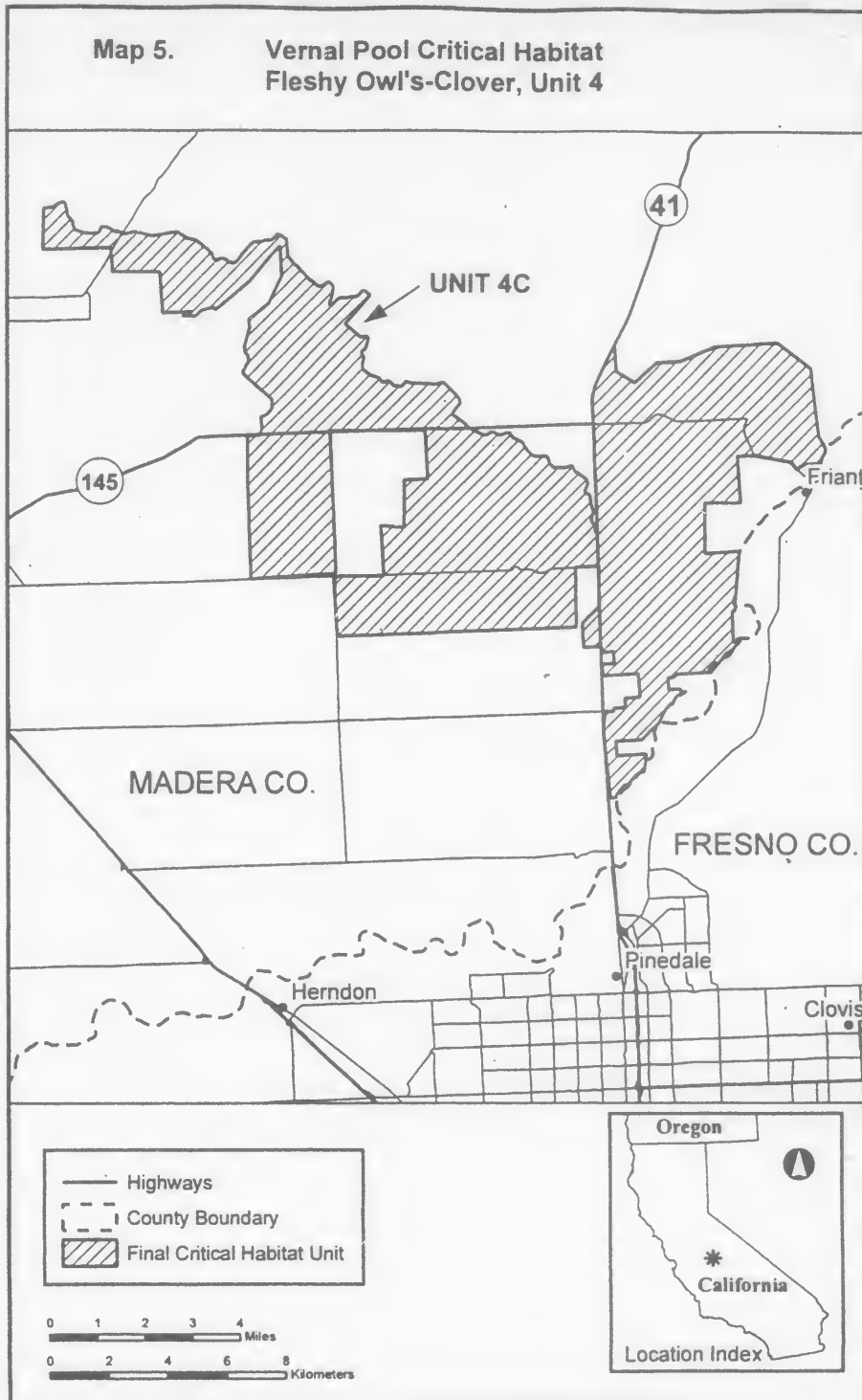
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767030, 4108139; 767056, 4108159;  
767077, 4108174; 767121, 4108207;  
767181, 4108251; 767272, 4108279;  
767327, 4108281; 767379, 4108260;  
767397, 4108238; 767442, 4108033;  
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767643, 4107646; 767657, 4107605;  
767661, 4107533; 767663, 4107481;  
767684, 4107415; 767700, 4107360;  
returning to 768068, 4107230.

(v) Note: Unit 4C (Map 5) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(10) Unit 5: Fresno County, California.

(i) Unit 5A: Fresno County, California.  
From USGS 1:24,000 scale quadrangles

Friant and Round Mountain. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 808747, 4087503; 808179, 4086966; 808217,

4086367; 808442, 4085980; 808467, 4085580; 807774, 4085437; 807718, 4084731; 807769, 4083933; 808006, 4083346; 808225, 4083059; 808549,

4082678; 808774, 4082291; 808912,  
4081699; 809343, 4081224; 809474,  
4080731; 808475, 4080669; 808538,  
4079670; 808270, 4079152; 806566,  
4079145; 806653, 4079351; 806940,  
4079570; 807028, 4079776; 807015,  
4079975; 806703, 4080156; 806303,  
4080131; 806272, 4080630; 806459,  
4080843; 806727, 4081361; 806915,  
4081573; 807214, 4081592; 807164,  
4082391; 806165, 4082328; 803064,  
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4083443; 801559, 4083843; 801921,  
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4086267; 803337, 4086291; 803346,  
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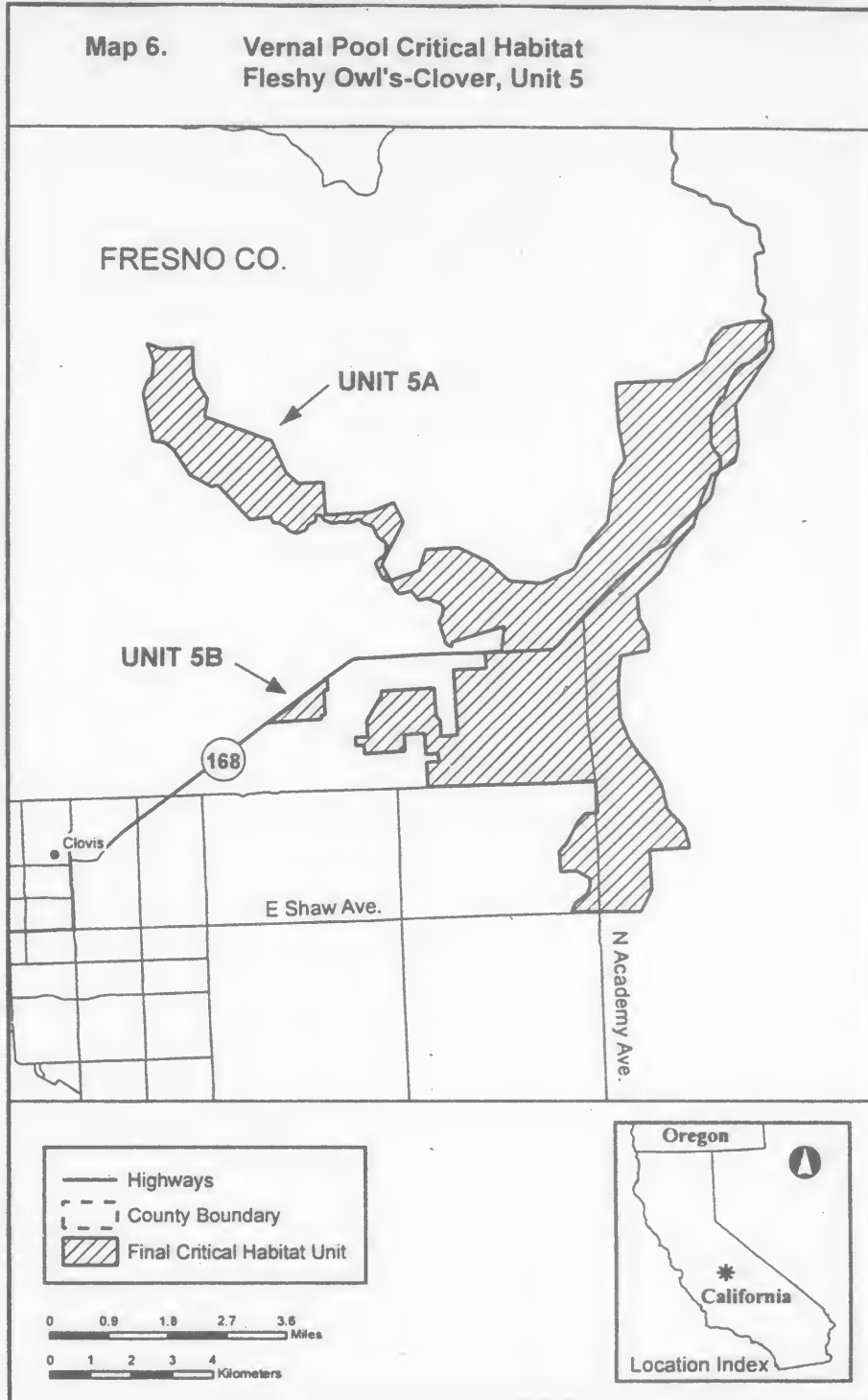
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4091629; 810655, 4090631; 810581,  
4090225; 810000, 4089888; 809738,  
4089270; 809576, 4088658; 809109,  
4088127; returning to 808747, 4087503.

(ii) Unit 5B: Fresno County, California. From USGS 1:24,000 scale quadrangle Clovis. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 800454, 4083873; 799156, 4083792; 800374, 4084719; 800472, 4084785; 800592, 4084876; 800610, 4084585; 800510, 4084578; 800548, 4083979; 800448, 4083973; returning to 800454, 4083873.

(iii) Note: Unit 5 (Map 6) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(11) Unit 6: Fresno County, California.  
(i) Unit 6A: Fresno County, California.  
From USGS 1:24,000 scale quadrangles

Millerton Lake East and Academy. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 802663, 4106066; 803207, 4105399; 803781,

4105836; 803880, 4105842; 804343, 4104869; 804150, 4104757; 803962, 4104544; 803981, 4104245; 804206, 4103858; 804331, 4103465; 804238,

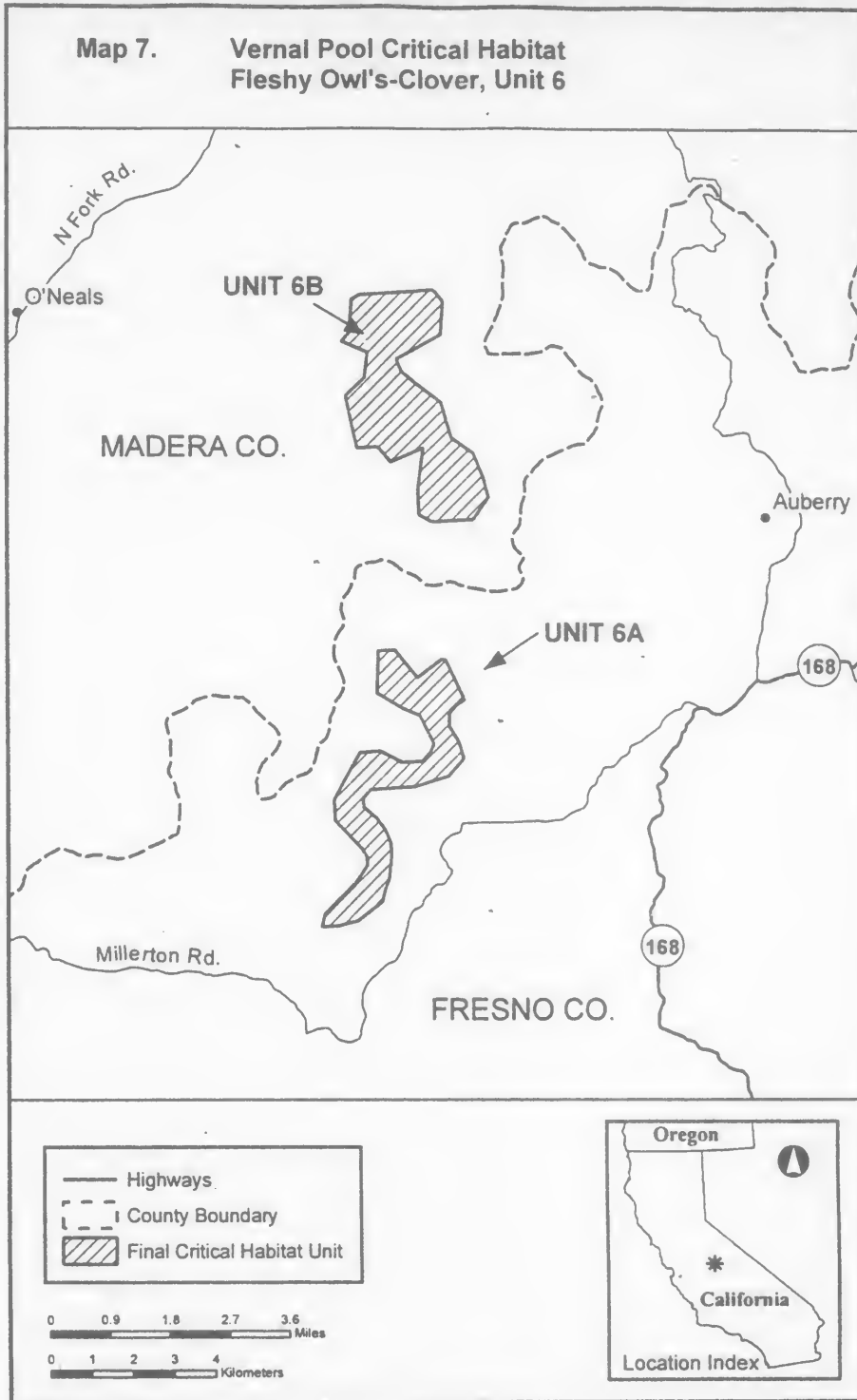
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4100543; 802424, 4100337; 802343,  
4100031; 802056, 4099812; 801769,  
4099594; 801276, 4099463; 800877,  
4099437; 800958, 4099743; 801712,  
4100492; 801987, 4100911; 801974,  
4101110; 801862, 4101304; 801218,  
4101965; 801187, 4102464; 801455,  
4102983; 801816, 4103607; 802316,

4103638; 802834, 4103370; 803333,  
4103402; 803520, 4103614; 803607,  
4103820; 803264, 4104500; 802852,  
4104675; 802227, 4105036; 802264,  
4106041; returning to 802663, 4106066.  
(ii) Unit 6B: Madera County,  
California. From USGS 1:24,000 scale  
quadrangles North Fork and Millerton  
Lake East. Land bounded by the  
following UTM Zone 10, NAD 83  
coordinates (E,N): 804045, 4111166;  
804569, 4110798; 804807, 4110212;  
804938, 4109719; 804571, 4109194;  
803572, 4109131; 803260, 4109312;

803222, 4109911; 803359, 4110922;  
802579, 4110572; 802254, 4110952;  
801755, 4110921; 801473, 4112206;  
801947, 4112637; 802009, 4113242;  
801391, 4113504; 801578, 4113716;  
801627, 4114521; 801820, 4114634;  
803618, 4114748; 803836, 4114461;  
803787, 4113656; 802720, 4113087;  
802839, 4112794; 803158, 4112513;  
803788, 4112052; returning to 804045,  
4111166.

(iii) Note: Unit 6 (Map 7) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Family Euphorbiaceae: *Chamaesyce hooveri* (Hoover's Spurge)

(1) Critical habitat units are depicted for Merced, Stanislaus, Tehama, Tulare,

and Tuolumne Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Chamaesyce*

*hooveri* (Hoover's Spurge) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all

but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Tehama County, California. From USGS 24,000 topographic quad Acorn Hollow, Richardson Springs NW: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N):

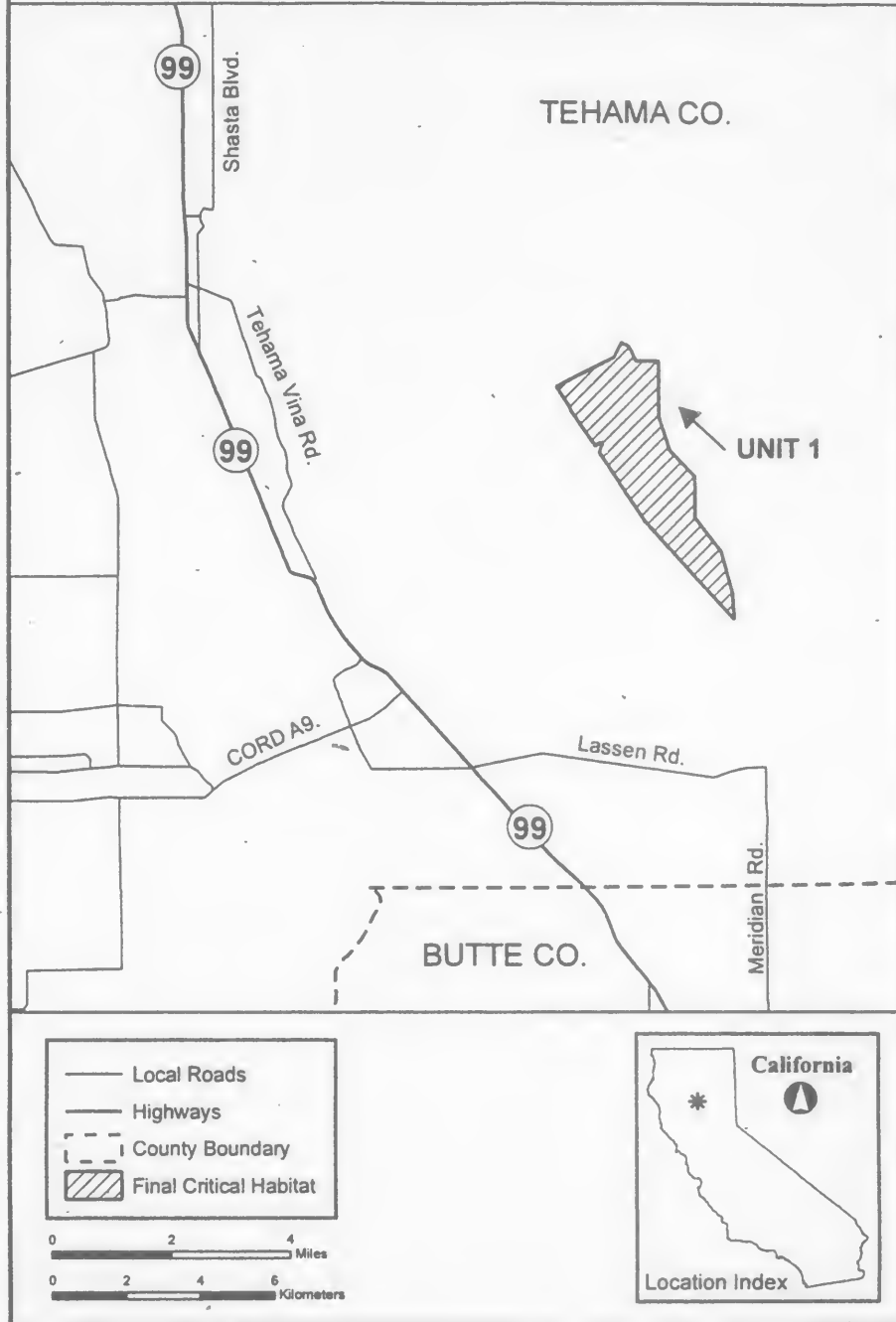
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590500, 4426400; 590500, 4425300;  
591200, 4424400; 591500, 4423300;  
591562, 4422558; 590526, 4423686;  
589986, 4424273; 589816, 4424458;  
589129, 4425207; 588454, 4426221;  
588425, 4426265; 588279, 4426485;  
588213, 4426583; 588213, 4426584;  
588212, 4426585; 588168, 4426652;  
588014, 4426883; 587912, 4427036;  
588000, 4427300; 587900, 4427300;  
587802, 4427202; 587756, 4427271;  
587137, 4428163; 587107, 4428243;  
586773, 4428770; 586751, 4428801;  
586900, 4428900; 587300, 4429100;  
588300, 4429600; 588500, 4430000;  
588700, 4429900; 588733, 4429833;  
returning to 588739, 4429822.

(5) Note: Unit 1 (Map 1) follows:

BILLING CODE 4310-55-P



**Map 1. Vernal Pool Critical Habitat  
Hoover's Spurge, Unit 1**



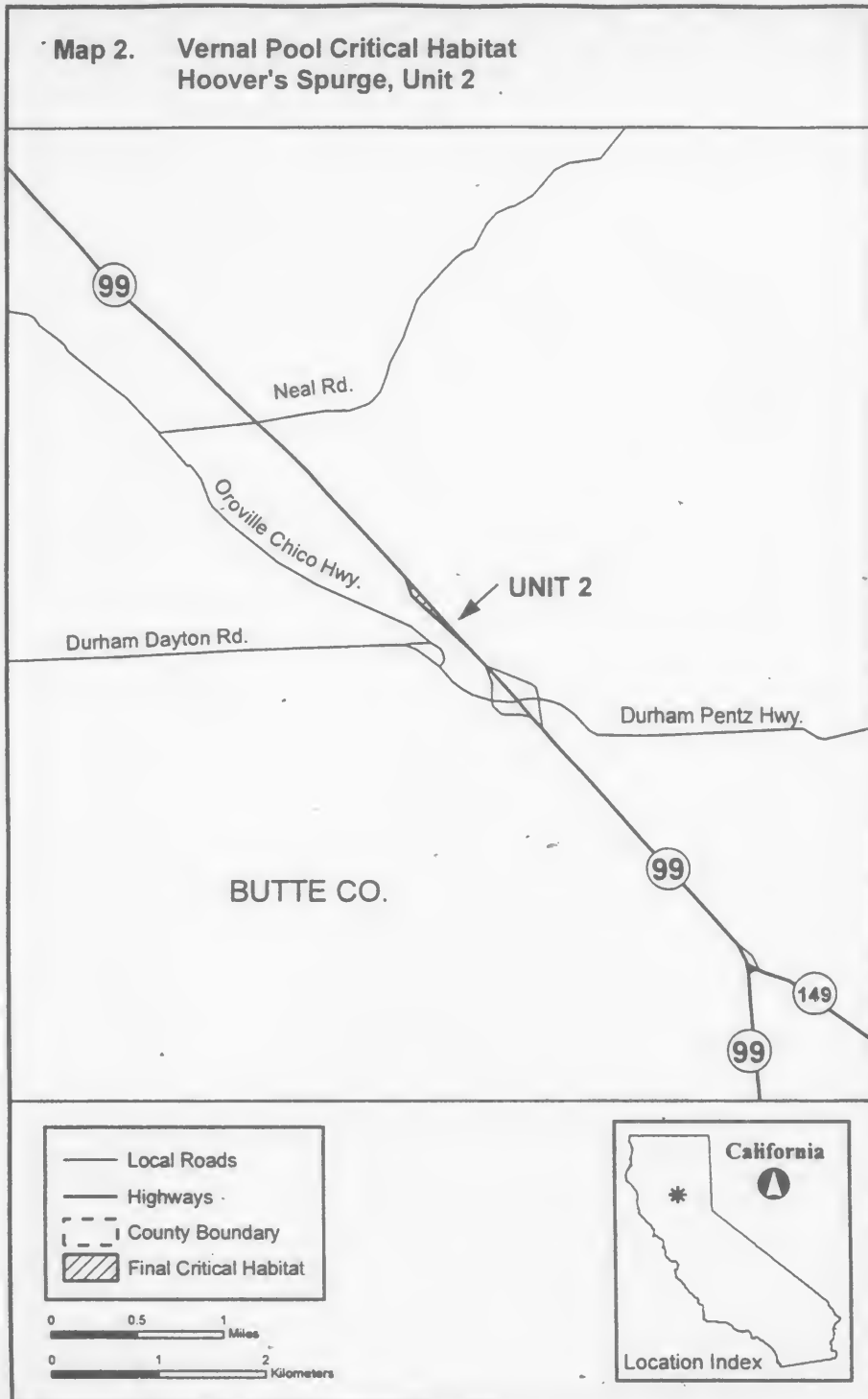
BILLING CODE 4310-55-C

(6) Unit 2: Butte County, California. From USGS 24,000 topographic quad Hamlin Canyon: Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 609736, 4389313; 609200, 4389800; 609145, 4389965;

609391, 4389694; 609721, 4389330; returning to 609736, 4389313.

(7) Note: Unit 2 (Map 2) follows: BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(8) Unit 3: Glenn and Colusa Counties, California. This unit was excluded from the designation pursuant

to Section 4(b)(2) of the Act (see Exclusions under 4(b)(2) in the final critical habitat rule (70 FR 46924).

(9) Unit 4: Stanislaus and Tuolumne Counties. From USGS 24,000 topographic quads Keystone, Paulsell, Cooperstown, Le Grange: Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 715600, 4180900; 715400, 4180400; 716600, 4180400; 716900, 4179900; 717482, 4180046; 717700, 4180100; 718500, 4180000; 718700, 4179200; 719300, 4178700; 719455, 4178273; 719700, 4177600; 720126, 4177671; 720300, 4177700; 720700, 4177700; 720745, 4177115; 720800, 4176400; 721400, 4175900; 722200, 4175300; 722700, 4175200; 722800, 4173600; 723000, 4173500; 723200, 4173600; 723700, 4173600; 724000, 4173300; 724100, 4172300; 722800, 4172200; 721700, 4171200; 721571, 4170643; 721500, 4170500; 721400, 4170400; 721200, 4170300; 721000, 4170100; 721000, 4169600; 720900, 4169600; 720000, 4168500; 718900, 4168000; 718700, 4168100; 718100, 4168500; 718000, 4168500; 717900, 4168600; 716200, 4168600; 715900, 4168500; 715600, 4168300; 715500, 4168200; 715400, 4168300; 715400, 4169400; 714900, 4169900; 714900, 4170000; 715100, 4170000; 715200, 4170200; 715300, 4170200; 715300, 4170400; 715300, 4170407; 715300, 4171200; 715200, 4171200; 715200, 4171000; 715100, 4170700; 714900, 4170700; 714900, 4170300; 713900, 4169800; 713800, 4169900; 713000, 4169500; 712500, 4169400; 712200, 4169400; 712000, 4169600; 711500, 4169900; 711300, 4169900; 710500, 4169100; 709300, 4169100; 709100, 4169500; 709100, 4169700; 708900, 4169700; 708800, 4169900; 708700, 4169900; 708600, 4169800; 708500, 4169900; 708400, 4170000; 708700, 4170200; 708800, 4170300; 708900, 4170400; 709100, 4170500; 709200, 4170600; 709400, 4170600; 709400, 4170800; 709300, 4170800; 709200, 4170900; 709100, 4170800; 708800, 4170700; 708800, 4170600; 708500, 4170500; 708400, 4170300; 708100, 4170200; 707900, 4170200; 707900, 4170300; 708100, 4170500; 708200, 4170500; 708200, 4170600; 708000, 4170600; 708200, 4170800; 708200, 4170900; 708100, 4170900; 707900, 4170700; 707700, 4170700; 707700, 4170800; 707600, 4170900; 707400, 4170900; 707100, 4171100; 707100, 4171200; 707200, 4171300; 707300, 4171200; 707500, 4171300; 707800, 4171600; 707900, 4171600; 708100, 4171600; 708200, 4171700; 708100, 4171800; 708100, 4171900; 708300, 4171900; 708300, 4172100; 708400, 4172100; 708500, 4172200; 708500, 4172300; 708700, 4172400; 708800, 4172500; 708800, 4172600; 708700, 4172700; 708500, 4172700; 708400, 4172800; 708300, 4172700; 708200, 4172700; 708100, 4172600; 708000, 4172500; 707900, 4172500; 707800, 4172700; 707600, 4172600; 707400, 4172500; 707400, 4172600; 707200, 4172700; 707100, 4172300; 707000, 4172200; 706700, 4172200; 706700, 4172300; 706500, 4172300; 706400, 4172300; 706400, 4172400; 706200, 4172600; 706300, 4172700; 706400, 4172800; 706300, 4172800; 706200, 4172800; 706100, 4172900; 705900, 4173100; 705800, 4173300; 705800, 4173500; 706000, 4173800; 705900, 4173900; 705800, 4174100; 705700, 4174200; 705500, 4174200; 705400, 4174100; 705400, 4173700; 705200, 4173200; 705167, 4173700; 705167, 4173700; 705100, 4174700; 705400, 4175400; 705000, 4175900; 705300, 4176300; 705700, 4176700; 705700, 4177000; 705700, 4177500; 705700, 4177700; 705200, 4177900; 705000, 4178100; 705400, 4178900; 706200, 4178400; 706600, 4177600; 707200, 4177300; 707300, 4176800; 706800, 4176200; 706900, 4175800; 707600, 4175800; 707999, 4176498; 708000, 4176500; 708000, 4176500; 708500, 4176400; 709800, 4176600; 710200, 4176200; 710700, 4176600; 711200, 4176900; 711500, 4177100; 711600, 4178100; 711700, 4178700; 710600, 4178800; 710300, 4179200; 709900, 4179500; 709879, 4179505; 709905, 4179525; 711259, 4179578; 711250, 4179933; 711628, 4179987; 711599, 4180753; 711578, 4180885; 713039, 4181325; 713440, 4181474; 714003, 4181741; 714540, 4182019; 714627, 4182073; 714700, 4182000; 715200, 4181600; returning to 715600, 4180900.

(10) Unit 5: Stanislaus and Merced Counties.

(i) Unit 5A: Stanislaus and Merced Counties. From USGS 24,000 topographic quads Paulsell, Cooperstown, Le Grange, Montpelier, Turlock Lake, Snelling, Merced Falls: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 720900, 4167500; 721100, 4167400; 721300, 4167700; 721700, 4167700; 722000, 4167600; 722500, 4167600; 723200, 4167100; 723500, 4166300; 723000, 4166100; 723200, 4165600; 723400, 4165700; 723600, 4165600; 723600, 4165100; 723700, 4164900; 724300, 4164900; 725000, 4163700; 725300, 4163800; 724900, 4162800; 725100, 4162700; 725400, 4162700; 726000, 4164100; 726300, 4163500; 726200, 4163100; 726000, 4163000; 726100, 4162700; 726199, 4160629; 726200, 4160600; 725800, 4160600; 725000, 4160200; 725300, 4159800; 726300, 4160200; 727000, 4159500; 727000, 4160400; 727223, 4160623; 727246, 4160646; 727300, 4160700; 727312, 4160647; 727317, 4160625; 727500, 4159800; 727600, 4159800; 727800, 4160400; 728300, 4160400; 728752, 4160658; 728773, 4160670; 729000, 4160800; 729244, 4160678; 729261, 4160670; 730400, 4160100; 730300, 4160500; 730600, 4160600; 730905, 4160871; 731500, 4161400; 731900, 4161400; 732000, 4160800; 731700, 4160700; 732000, 4160000; 733500, 4159000; 733700, 4158700; 733300, 4158600; 733300, 4158300; 733800, 4157700; 733400, 4157100; 731700, 4156900; 730900, 4156500; 728900, 4156600; 728700, 4156700; 728700, 4156800; 728600, 4156900; 728300, 4156900; 728100, 4156800; 727900, 4156800; 727100, 4156800; 726900, 4156600; 726700, 4156500; 726300, 4156500; 726100, 4156600; 725800, 4156500; 725600, 4156400; 725500, 4156300; 725400, 4156200; 725100, 4156100; 725000, 4156000; 724900, 4156000; 724800, 4156100; 724300, 4156100; 724300, 4155700; 723800, 4155700; 723900, 4155300; 723300, 4155400; 722700, 4155100; 722700, 4155400; 722300, 4155400; 722300, 4156800; 722900, 4156800; 722900, 4157400; 723500, 4157400; 723500, 4157000; 723700, 4157000; 723700, 4156900; 724300, 4156900; 724300, 4157400; 724200, 4157400; 724200, 4157400; 724100, 4158200; 723800, 4158200; 723700, 4159000; 722500, 4159000; 722500, 4159200; 722400, 4159200; 722300, 4159300; 722200, 4159300; 721600, 4159300; 721600, 4159500; 721500, 4159600; 721500, 4159800; 721600, 4159800; 721600, 4159900; 721700, 4159900; 721700, 4160500; 721100, 4160500; 721100, 4160100; 720800, 4160100; 720800, 4160500; 719500, 4160500; 719500, 4160300; 720000, 4159600; 719600, 4159600; 719600, 4159500; 719500, 4159500; 719400, 4159500; 719300, 4159400; 719100, 4159400; 719000, 4159400; 718900, 4159300; 718700, 4159100; 718600, 4159000; 718600, 4158900; 718400, 4158900; 718200, 4158800; 718200, 4158700; 718300, 4158600; 718400, 4158500; 718500, 4158500; 718600, 4158400; 718700, 4158400; 718900, 4158300; 719000, 4158100; 719000, 4157900; 718700, 4157600; 718000, 4157700; 717800, 4157400; 717900, 4157200; 718000, 4157000; 718400, 4157300; 718700, 4156700; 718700, 4156300; 717500, 4156300; 717500, 4156700; 717100, 4156700; 717100, 4156300; 716600, 4156300; 716600, 4155800; 716300, 4155700; 716200, 4155000; 715900, 4154900; 715900, 4155100; 715800, 4155200; 715800, 4155300; 715700, 4155400; 715600, 4155700; 715500, 4155800; 715400, 4155800; 715300, 4156600; 715400, 4156600; 715400, 4157200; 715400, 4157400;

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 713100, 4161000; 713400, 4160700;  
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 709800, 4166700; 709800, 4167100;  
 710200, 4166800; 711000, 4167600;  
 711600, 4167800; 712400, 4167800;  
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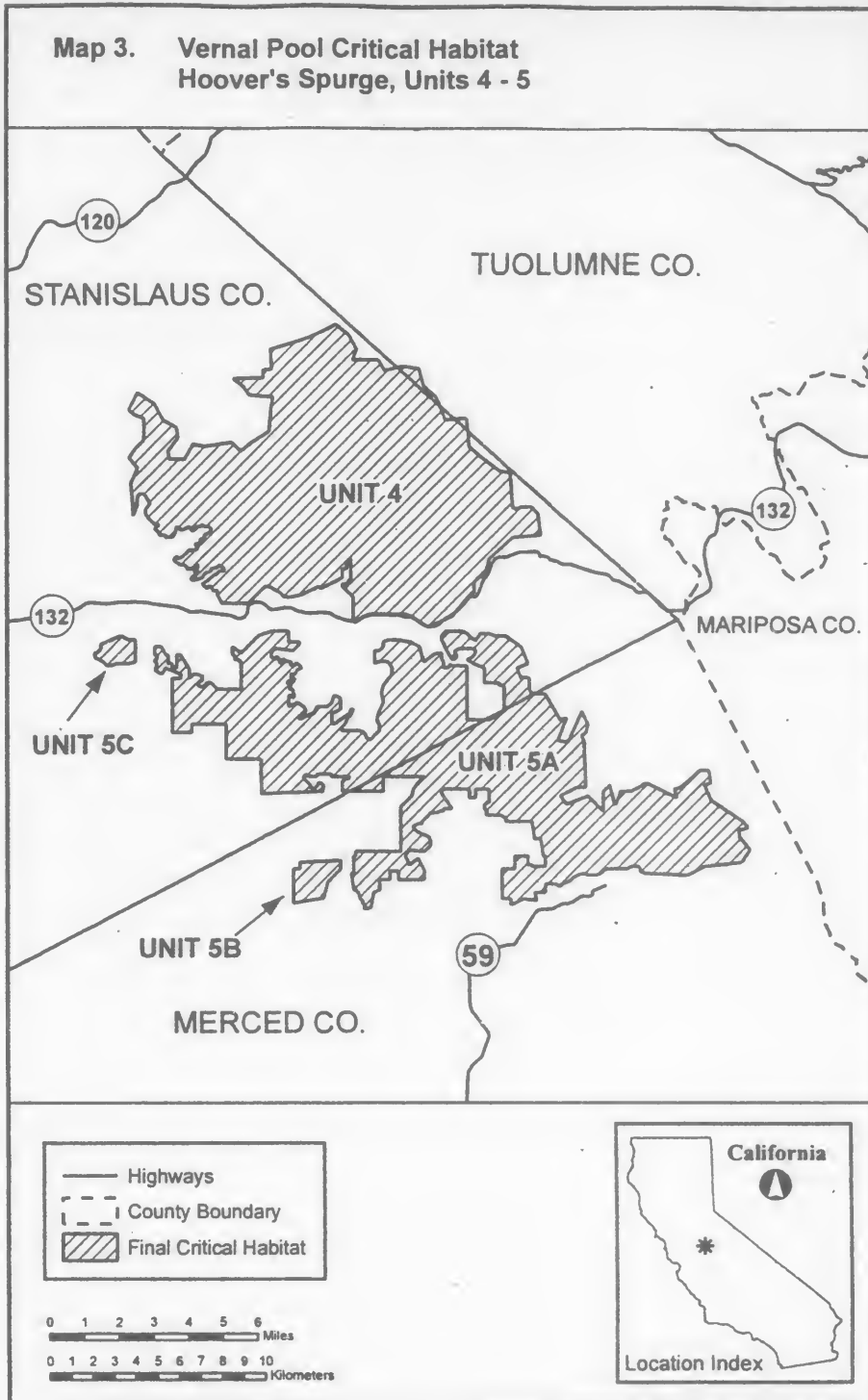
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 716600, 4166900; 716800, 4167100;  
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 717500, 4167400; 718100, 4167300;  
 718500, 4167100; 718600, 4166600;  
 718700, 4166400; 719100, 4166700;

719300, 4166800; 719500, 4166800;  
 719500, 4166500; 719600, 4166400;  
 719600, 4166100; 719800, 4166100;  
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 721500, 4166100; 721000, 4166300;  
 720700, 4166500; 720900, 4166600;  
 721000, 4166700; 721100, 4166900;  
 721000, 4167000; 720300, 4167000;  
 720100, 4166900; 720200, 4166700;  
 720200, 4166600; 720100, 4166500;  
 720000, 4166500; 719800, 4166800;  
 719500, 4167400; 719500, 4167600;  
 719700, 4167800; 720500, 4167800;  
 720700, 4167700; returning to 720900,  
 4167500.

(ii) Unit 5B: Merced County. From USGS 24,000 topographic quad Turlock Lake: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 713800, 4155400; 712600, 4155200; 712600, 4156800; 712900, 4156800; 712900, 4157100; 714800, 4157200; 714800, 4156800; 714300, 4156300; 714200, 4156200; 714000, 4155500; 714000, 4155400; returning to 713800, 4155400.

(iii) Unit 5C: Stanislaus County. From USGS 24,000 topographic quads Paulsell, Montpelier: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 704200, 4166200; 704000, 4166200; 703800, 4166400; 703400, 4166600; 703400, 4166800; 703500, 4166800; 703600, 4166900; 703700, 4167000; 703700, 4167200; 704600, 4167600; 704700, 4167600; 704800, 4167500; 705000, 4167400; 705300, 4167400; 705300, 4166400; 705000, 4166300; 704400, 4166300; returning to 704200, 4166200.

(iv) Note: Units 4-5 (Map 3) follow:  
 BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(11) Unit 6: Merced County.  
 (i) Unit 6A: Merced County. USGS 24,000 topographic quads Stevinson,

San Luis Ranch: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 695400, 4125600; 695500, 4122000; 694900, 4122400;

694700, 4122700; 694500, 4122900; 694500, 4123100; 694100, 4123400; 693800, 4123500; 693800, 4123800; 693500, 4123900; 693500, 4124500;

693700, 4124700; 693800, 4125000;  
693600, 4125200; 693400, 4125300;  
693122, 4125670; 693146, 4125746;  
693200, 4125890; 693700, 4125900;  
693700, 4127300; 693800, 4127300;  
693900, 4127000; 694200, 4126900;  
694600, 4126400; 694600, 4126200;  
694700, 4126000; 695179, 4125726;  
returning to 695400, 4125600.

(ii) Unit 6B: Merced County. From USGS 24,000 topographic quad Stevinson, Arena, San Luis Ranch, Turner Ranch: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 699300, 4126300; 699300, 4125400; 700100, 4125400; 700200, 4126000; 700600, 4125700; 701100, 4125300; 701100, 4124300; 700300, 4124300; 700300, 4123800; 700500, 4123800; 700600, 4123500; 701100, 4123400; 701200, 4123200; 701400, 4123100; 701600, 4122700; 701900, 4122500; 702600, 4122200; 702870, 4121705; 703200, 4121100; 703900, 4120500; 704600, 4119800; 704600, 4119800; 704700, 4119700; 698900, 4119600; 698800, 4119700; 698543, 4119957; 698558, 4119970; 698501, 4120012; 698504, 4120069; 698626, 4120197; 698662, 4120077; 698694, 4120113; 698668, 4121116; 698663, 4121510; 698594, 4121508; 698600, 4121600; 699900, 4121600; 700000, 4120400; 700200, 4120400; 700200, 4122700; 697000, 4122600; 696900, 4125100; 697700, 4125100; 697700, 4125300; 697600, 4125400; 697700, 4125600; 698000, 4125700; 698200, 4125800; 698300, 4126100; 698700, 4126500; 699500, 4126500; 699600, 4126300; returning to 699300, 4126300.

(iii) Unit 6C: Merced County. From USGS 24,000 topographic quad Arena,

Turner Ranch: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 706800, 4120900; 706700, 4120500; 706700, 4119700; 708100, 4119700; 708100, 4119700; 708100, 4119600; 708000, 4119500; 707900, 4119200; 707900, 4119000; 708000, 4118900; 708300, 4118900; 708300, 4118100; 707900, 4118100; 707500, 4118500; 706500, 4118500; 706000, 4118900; 705600, 4119300; 705200, 4119700; 704800, 4120000; 704700, 4120100; 704700, 4120400; 705100, 4120400; 705100, 4120600; 704900, 4120700; 704900, 4120800; 705100, 4120800; 704900, 4121000; 705000, 4121100; 705100, 4121700; 705200, 4121700; 705300, 4122000; 705700, 4122100; 705700, 4122200; 705400, 4122300; 705300, 4122400; 705500, 4122600; 705400, 4122600; 705300, 4122500; 705200, 4122500; 705100, 4122500; 704900, 4122500; 704900, 4122700; 704800, 4122800; 704500, 4122800; 704300, 4122900; 704000, 4122800; 703900, 4122900; 703400, 4124400; 703300, 4124600; 701300, 4126500; 700100, 4127600; 700467, 4129067; 700500, 4129200; 700500, 4130600; 701000, 4130600; 701000, 4129800; 701200, 4129800; 701100, 4130100; 701100, 4130600; 701700, 4130600; 701700, 4129200; 701800, 4129200; 702800, 4129200; 703000, 4128800; 703300, 4128800; 703900, 4128800; 703900, 4129000; 704200, 4129000; 704200, 4128500; 703300, 4128400; 703400, 4128300; 703400, 4127900; 703500, 4127800; 703800, 4127500; 703700, 4127300; 703500, 4127300; 703400, 4127100; 703400, 4126100; 703500, 4126100; 704400, 4126100; 704300, 4126000; 704400, 4125900;

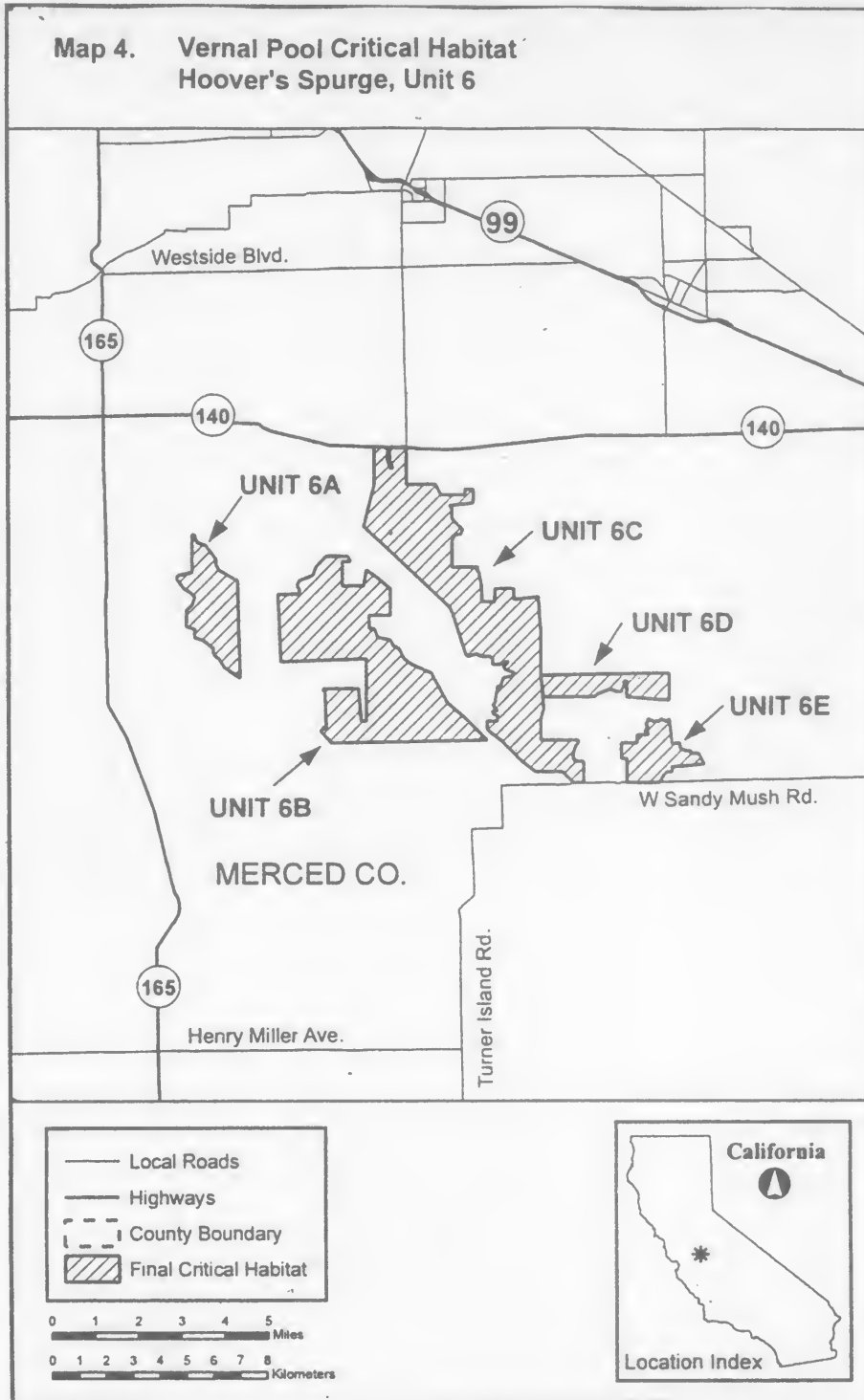
704500, 4125300; 704500, 4124800; 705000, 4124800; 705000, 4125300; 705700, 4125300; 705700, 4124900; 706600, 4125000; 706700, 4123700; returning to 706700, 4122100.

(iv) Unit 6D: Merced County. USGS 24,000 topographic quad Turner Ranch, Sandy Mush: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 706700, 4122100; 711500, 4122200; 711500, 4121700; 711500, 4121200; 709900, 4121300; 709900, 4121900; 709800, 4121900; 709800, 4121800; 709700, 4121500; 709500, 4121500; 709300, 4121600; 708800, 4121400; 708700, 4121300; 706800, 4121300; returning to 706700, 4122100.

(v) Unit 6E: Merced County. USGS 24,000 topographic quad Turner Ranch, Sandy Mush: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 711200, 4120500; 711400, 4120400; 711500, 4120500; 711600, 4119600; 711900, 4119600; 711900, 4119400; 712100, 4119300; 712300, 4119300; 712300, 4119200; 712600, 4119200; 712800, 4118800; 711600, 4118700; 711600, 4118500; 711400, 4118500; 711300, 4118400; 711100, 4118100; 709900, 4118100; 709900, 4118800; 709900, 4119000; 709700, 4119000; 709700, 4119600; 710300, 4119600; 710300, 4119900; 710700, 4119900; 710700, 4120000; 710600, 4120000; 710600, 4120100; 710700, 4120200; 710600, 4120300; 710700, 4120400; 710700, 4120500; 710900, 4120400; 711100, 4120400; returning to 711200, 4120500.

(vi) Note: Unit 6 (Map 4) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(12) Unit 7: Tulare County.

(i) Unit 7A: Tulare County. From USGS 24,000 topographic quads Stokes

Mtn., Ivanhoe: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 838331, 4045841; 838313, 4046140; 837613, 4046097;

837307, 4046178; 836995, 4046359; 836558, 4046933; 836240, 4047214; 836221, 4047514; 836508, 4047733; 837008, 4047763; 836933, 4048962;

837295, 4049587; 837888, 4049724;  
838419, 4049256; 838619, 4049268;  
838600, 4049568; 838500, 4049562;  
838463, 4050161; 839362, 4050217;  
839374, 4050018; 839674, 4050036;  
840155, 4050367; 840255, 4050373;  
840467, 4050186; 840767, 4050205;  
840942, 4050617; 841441, 4050648;  
841628, 4050860; 841828, 4050873;  
841997, 4051385; 841741, 4052272;  
841828, 4052477; 841703, 4052871;  
841791, 4053077; 842390, 4053114;  
842821, 4052640; 843027, 4052552;  
843327, 4052571; 843545, 4052284;  
843583, 4051684; 843389, 4051572;  
843252, 4050560; 843089, 4049948;  
842802, 4049730; 842652, 4048918;  
842665, 4048719; 843177, 4048550;  
843008, 4048038; 843070, 4047039;  
842371, 4046995; 842296, 4046589;  
841597, 4046546; 841522, 4046140;  
838818, 4046072; returning to 838331,  
4045841.

(ii) Unit 7B: Tulare County. From USGS 24,000 topographic quads Ivanhoe: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 836778, 4043629; 837178, 4043642; 837178, 4043663; 837165, 4044455; 837527, 4044471; 837510, 4044925; 837253, 4045186; 836546, 4045165; 836550, 4044829; 836726, 4044828; 836732, 4044453; 836753, 4044453; 836777, 4043638; 836778, 4043629; 836765, 4043628; 835983, 4043614; 835959, 4043687; 836040, 4043993; 836433, 4044117; 836365, 4045216; 837164, 4045266; 836733, 4045741; 838331, 4045841; 838338, 4045740; 837838, 4045710; 837919, 4044411; 837819, 4044405; 837863, 4043705; 837869, 4043605; 837569, 4043587; 837613, 4042887; 836814, 4042838; 836799, 4043075; returning to 836778, 4043629.

(iii) Unit 7C: Tulare County. From USGS 24,000 topographic quads Stokes Mtn., Auckland, Ivanhoe, Woodlake: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 846274, 4048743; 846905, 4048281; 849003, 4048412; 849427, 4048037; 850027, 4048075; 850345, 4047794; 850370, 4047394; 849889, 4047064; 848453, 4045971; 848490, 4045371; 848103, 4045146; 848122, 4044847; 847922, 4044834; 847928, 4044734; 847529, 4044710; 847547, 4044410; 847454, 4044303; 847466, 4044104; 847266, 4044091; 846867, 4044066; 846892, 4043667; 846492, 4043642; 846517, 4043242; 845718, 4043192; 845630, 4042986; 845530, 4042980; 845568, 4042381; 845768, 4042393;

845780, 4042193; 845980, 4042206;  
845942, 4042805; 846342, 4042830;  
846348, 4042730; 846454, 4042637;  
846367, 4042431; 846567, 4042443;  
846579, 4042243; 846379, 4042230;  
846392, 4042031; 846792, 4042056;  
846816, 4041656; 846417, 4041631;  
846404, 4041831; 845805, 4041794;  
845811, 4041694; 845911, 4041700;  
845917, 4041600; 845817, 4041594;  
845830, 4041394; 846030, 4041406;  
846036, 4041306; 846213, 4041318;  
846179, 4040614; 846079, 4040607;  
846104, 4040207; 846729, 4039845;  
846841, 4039652; 846541, 4039633;  
846585, 4038933; 846485, 4038927;  
846491, 4038827; 846597, 4038734;  
846410, 4038521; 846104, 4038603;  
845898, 4038690; 845973, 4039096;  
845861, 4039290; 845836, 4039689;  
845524, 4039871; 845305, 4040158;  
845193, 4040351; 845180, 4040551;  
844949, 4041038; 844612, 4041619;  
844787, 4042031; 844325, 4043005;  
844319, 4043105; 844413, 4043211;  
844612, 4043224; 844806, 4043336;  
844700, 4043430; 844625, 4044628;  
845605, 4044991; 845974, 4045515;  
845624, 4046296; 845025, 4046258;  
844494, 4046726; 844457, 4047326;  
844988, 4048463; 845038, 4049268;  
845425, 4049493; returning to 846274,  
4048743.

(iv) Unit 7D: Tulare County. From USGS 24,000 topographic quad Woodlake: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 850239, 4044678; 850251, 4044478; 850851, 4044515; 851075, 4044128; 850701, 4043704; 851300, 4043741; 851506, 4043654; 851737, 4043166; 852237, 4043198; 852468, 4042711; 852487, 4042411; 851725, 4041761; 851837, 4041568; 852636, 4041618; 852824, 4041830; 853223, 4041855; 853835, 4041693; 854197, 4040712; 854210, 4040512; 853754, 4039782; 851949, 4039769; 851231, 4040025; 850625, 4040088; 850619, 4040188; 850819, 4040201; 850769, 4041000; 850269, 4040969; 850282, 4040769; 850082, 4040756; 849895, 4040544; 849795, 4040538; 849820, 4040138; 849120, 4040095; 849108, 4040294; 849308, 4040307; 849295, 4040507; 848889, 4040582; 848908, 4040282; 848814, 4040176; 848821, 4040076; 848321, 4040045; 848227, 4039939; 848121, 4040032; 848071, 4040832; 848371, 4040850; 848321, 4041649; 848521, 4041662; 848502, 4041962; 848203, 4041943; 848196, 4042043; 848278, 4042349; 848065, 4042536; 847466, 4042499;

847516, 4043304; 847716, 4043317;  
847728, 4043117; 848128, 4043142;  
848147, 4042842; 848446, 4042861;  
848421, 4043261; 848821, 4043286;  
848796, 4043685; 849096, 4043704;  
849090, 4043804; 849190, 4043810;  
849177, 4044010; 849271, 4044116;  
849571, 4044135; 849546, 4044534;  
849346, 4044522; 849140, 4044609;  
849215, 4045015; 849215, 4045015;  
849571, 4045739; 850151, 4046077;  
850451, 4046096; 851082, 4045633;  
851194, 4045440; 850638, 4044703;  
returning to 850239, 4044678.

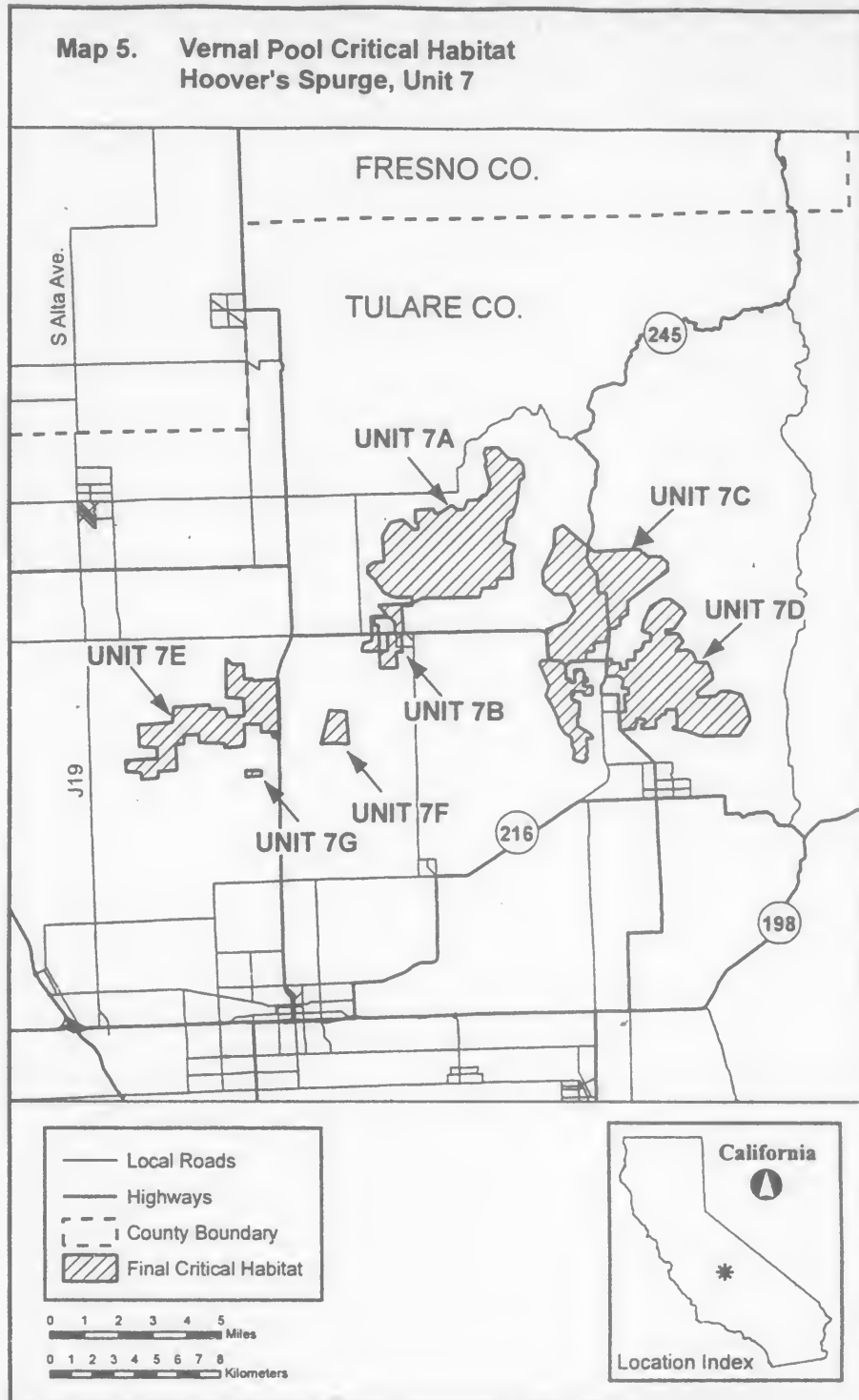
(v) Unit 7E: Tulare County. From USGS 24,000 topographic quad Monson: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 829566, 4043288; 829884, 4043007; 830383, 4043038; 830427, 4042339; 830827, 4042364; 830833, 4042264; 832028, 4042339; 832069, 4040937; 832106, 4039535; 832038, 4039531; 831991, 4039595; 831752, 4039679; 831748, 4039853; 832035, 4039864; 832031, 4039913; 831542, 4039901; 831281, 4039895; 831228, 4039894; 831226, 4040265; 830457, 4040256; 830432, 4040256; 830449, 4039621; 830453, 4039463; 830420, 4039230; 829721, 4039186; 829521, 4039174; 829509, 4039374; 828304, 4039399; 828279, 4039798; 827580, 4039755; 827605, 4039355; 827205, 4039330; 827280, 4038132; 826381, 4038076; 826400, 4037776; 825601, 4037726; 825582, 4038026; 824877, 4038082; 824846, 4038582; 826344, 4038675; 826313, 4039175; 825507, 4039225; 825445, 4040223; 827043, 4040323; 827100, 4041028; 828797, 4041134; 828810, 4040935; 829509, 4040978; returning to 829566, 4043288.

(vi) Unit 7F: Tulare County. USGS 24,000 topographic quad Monson: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831258, 4037878; 830508, 4037831; 830507, 4037837; 830510, 4037837; 830495, 4038113; 830867, 4038116; 831249, 4038123; returning to 831258, 4037878.

(vii) Unit 7G: Tulare County. USGS 24,000 topographic quad Monson: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 835309, 4039635; 835327, 4039335; 834622, 4039391; 834023, 4039354; 834429, 4040884; 835234, 4040834; 835259, 4040434; returning to 835309, 4039635.

(viii) Note: Unit 7 (Map 5) follows:  
BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

Family Asteraceae: *Lasthenia conjugens*  
(Contra Costa Goldfields)

(1) Critical habitat units are depicted  
for Alameda, Contra Costa, Mendocino,

Napa, and Solano counties, California,  
on the map below.

(2) The primary constituent elements  
of critical habitat for *Lasthenia*

*conjugens* (Contra Costa goldfields) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously; or intermittently, flowing surface water in the depressional features including swales connecting the pools described below in paragraph (2)(ii), providing for dispersal and promoting hydroperiods of adequate length in the pools;

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and

nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands;

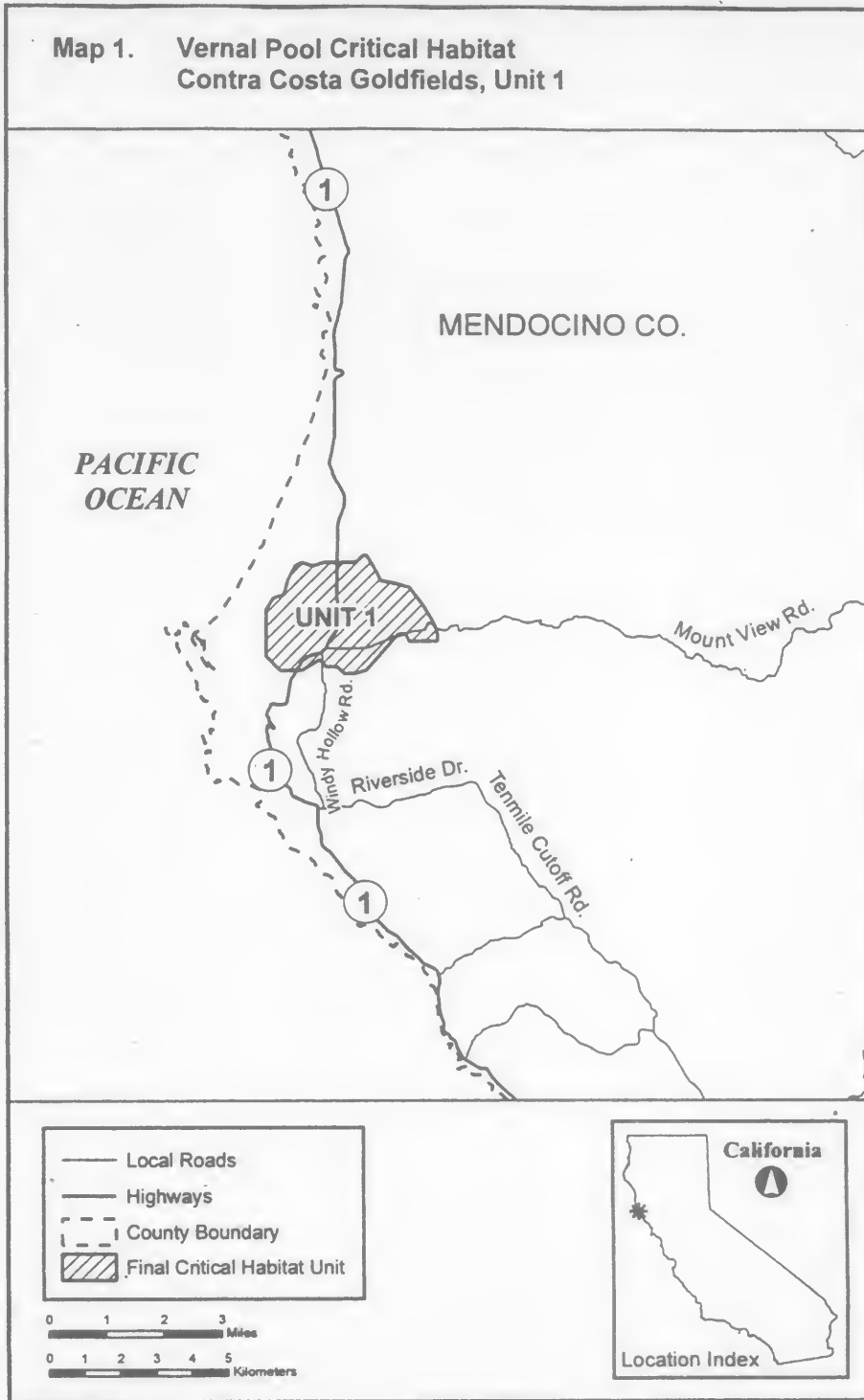
(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Mendocino County, California. From USGS 1:24,000 scale quadrangle Point Arena. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 441300, 4314200; 441600, 4313700; 441700, 4313500; 442200, 4313400; 442500, 4313300; 442900, 4312800; 443200, 4312300; 443300, 4312000; 443300, 4311800; 442500, 4311800; 442400, 4312000; 442200, 4312000; 441300, 4311000; 441000, 4310900; 440700, 4310900; 440500, 4311100; 440200, 4311100; 440000, 4311300; 439500, 4311000; 438900, 4311000; 438500, 4311400; 438500, 4311800; 438500, 4312500; 438500, 4312700; 438700, 4313000; 439000, 4313100; 439100, 4313500; 439300, 4313900; 439500, 4314000; 439800, 4313900; 440100, 4314000; 441000, 4314000; 441200, 4314200; returning to 441300, 4314200.

(5) Note: Unit 1 (Map 1) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 2: Napa County, California.  
From USGS 1:24,000 scale quadrangles  
Yountville, Capell Valley, Land

bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 566800,  
4250900; 567300, 4250500; 568100,  
4250500; 568300, 4250100; 568100,

4250000; 568400, 4249400; 568500,  
4249300; 568300, 4249100; 567800,  
4249000; 567500, 4248900; 567400,  
4248600; 567300, 4248100; 567200,

4248300; 567000, 4249800; 566700, 4250000; 566400, 4250300; 566100, 4250400; 566000, 4250500; 565500, 4250500; 565100, 4250500; 565100, 4250800; 565400, 4251200; 566000, 4251800; 566600, 4251600; returning to 566800, 4250900.

(7) Unit 3: Napa County, California. From USGS 1:24,000 scale quadrangles Napa, Cuttings Wharf. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 564800, 4233300; 564800, 4233100; 564600, 4233200; 564100, 4232800; 563800, 4233000; 563800, 4233600; 563800, 4235100; 563800, 4235200; 563900, 4235300; 564200, 4235400; 564400, 4235300; 564500, 4235100; 564700, 4235000; 564700, 4234900; 564800, 4234700; 564700, 4234400; 564800, 4234200; 564700, 4234100; 564700, 4234000; 564800, 4233800; returning to 564800, 4233300.

(8) Unit 4: Solano County, California.

(i) Unit 4A: Solano County, California. From USGS 1:24,000 scale quadrangle Fairfield South. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 577600, 4229700; 577700, 4229600; 578100, 4229800; 578100, 4229700; 577900, 4229100; 577300, 4229400; 577200, 4229800; 577400, 4230000; 577600, 4229800; returning to 577600, 4229700.

(ii) Unit 4B: Solano County, California. From USGS 1:24,000 scale quadrangles Fairfield South. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 583778, 4233214; 583700, 4232900; 583100, 4231900; 582700, 4231800; 582400, 4231500; 582300, 4230700; 582000, 4230700; 581900, 4230400; 581700, 4230400; 581700, 4231100; 581800, 4231100; 581800, 4231600; 581300, 4231600; 581300, 4232000; 581500,

4232200; 581500, 4231900; 581700, 4231900; 581700, 4232900; 581900, 4232900; 582800, 4233000; 583100, 4233000; 583112, 4232993; 583156, 4233006; 583545, 4233137; 583619, 4233161; 583629, 4233165; 583725, 4233196; returning to 583778, 4233214.

(iii) Unit 4C: Solano County, California. From USGS 1:24,000 scale quadrangles Elmira, Denverton. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 594915, 4234098; 594916, 4233314; 595044, 4233310; 595068, 4233296; 595131, 4233266; 595174, 4233226; 595189, 4233210; 595239, 4233151; 595322, 4232978; 595423, 4232778; 595483, 4232667; 595553, 4232524; 595699, 4232243; 595966, 4231717; 594927, 4231710; 594445, 4231707; 594409, 4231673; 594410, 4231616; 594434, 4231540; 594474, 4231494; 594495, 4231457; 594497, 4231414; 594510, 4231370; 594543, 4231356; 594575, 4231342; 594603, 4231341; 594614, 4231338; 594616, 4231325; 594618, 4231311; 594614, 4231290; 594605, 4231284; 594583, 4231275; 594573, 4231268; 594557, 4231245; 594550, 4231209; 594543, 4231179; 594500, 4231200; 593800, 4231200; 593600, 4230500; 593291, 4230515; 593291, 4230514; 589300, 4230700; 589179, 4230901; 589179, 4230901; 589240, 4230894; 589274, 4230890; 589315, 4230894; 589321, 4230909; 589313, 4231179; 589015, 4231215; 589100, 4231300; 589100, 4231700; 588600, 4231600; 588440, 4231680; 588417, 4232400; 588500, 4232400; 588500, 4232500; 588600, 4232500; 588600, 4232800; 588400, 4233000; 588600, 4233300; 588700, 4233500; 589300, 4233500; 589983, 4233500; 590000, 4233500; 590100, 4233500; 590100,

4233300; 590600, 4233300; 591100, 4232800; 591138, 4232825; 591143, 4232820; 591184, 4232856; 591700, 4233200; 592513, 4233290; 592594, 4233291; 592594, 4233299; 592600, 4233300; 592600, 4233800; 592900, 4233700; 592900, 4233751; 592901, 4233751; 592900, 4233754; 592900, 4233800; 593400, 4234100; 594200, 4234100; 594300, 4234900; 594500, 4234900; 594890, 4235396; returning to 594915, 4234098.

(9) Unit 5: Solano County, California.

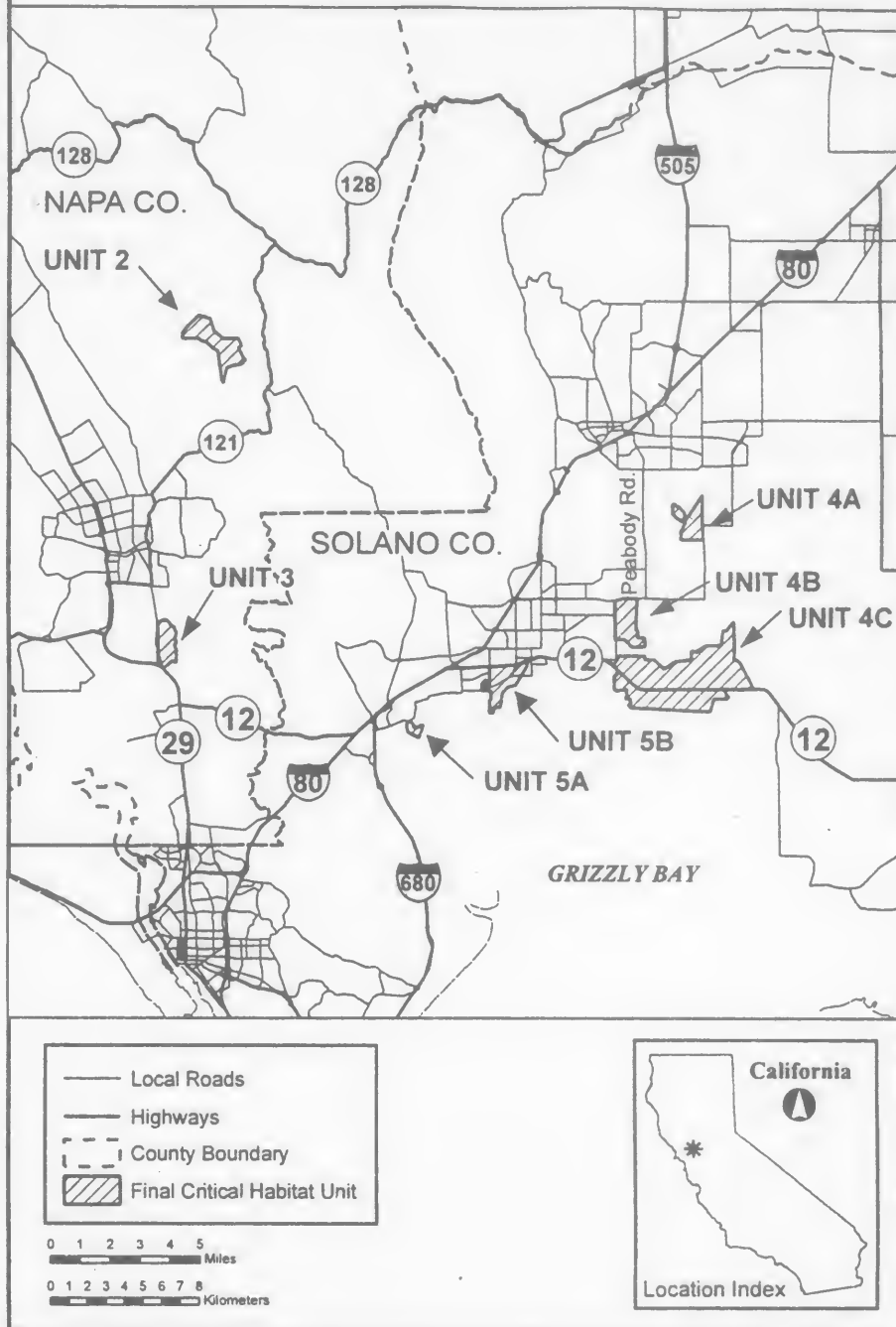
(i) Unit 5A: Solano County, California. From USGS 1:24,000 scale quadrangle Elmira. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 593200, 4242200; 593200, 4240600; 593211, 4240600; 593255, 4239807; 592030, 4239793; 592062, 4240126; 592044, 4240137; 592026, 4240170; 592026, 4240181; 592030, 4240261; 592300, 4240800; 592100, 4240800; 591800, 4241000; 591700, 4241100; 591600, 4241200; 591600, 4241300; 591600, 4241700; 591700, 4241700; 591800, 4241600; 591900, 4241600; 592000, 4241500; 592200, 4241300; 592300, 4240900; returning to 593200, 4242200.

(ii) Unit 5B: Solano County, California. From USGS 1:24,000 scale quadrangles Elmira, Denverton. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 589698, 4236560; 589600, 4234900; 589700, 4234900; 589700, 4234500; 590100, 4234500; 590100, 4234064; 590100, 4234000; 589400, 4234000; 589000, 4234400; 588500, 4234400; 588500, 4236400; 588549, 4236449; 588944, 4236551; 589524, 4236558; 589670, 4236559; returning to 589698, 4236560.

(iii) Note: Units 2-5 (Map 2) follow:

BILLING CODE 4310-55-P

**Map 2. Vernal Pool Critical Habitat  
Contra Costa Goldfields, Units 2 - 5**



BILLING CODE 4310-55-C

(10) Unit 6: Contra Costa County, California. From USGS 1:24,000 scale quadrangle Benicia. Land bounded by

the following UTM Zone 10, NAD 83 coordinates (E,N): 566800, 4208500; 566800, 4208000; 566900, 4208000; 566900, 4207900; 566900, 4207800;

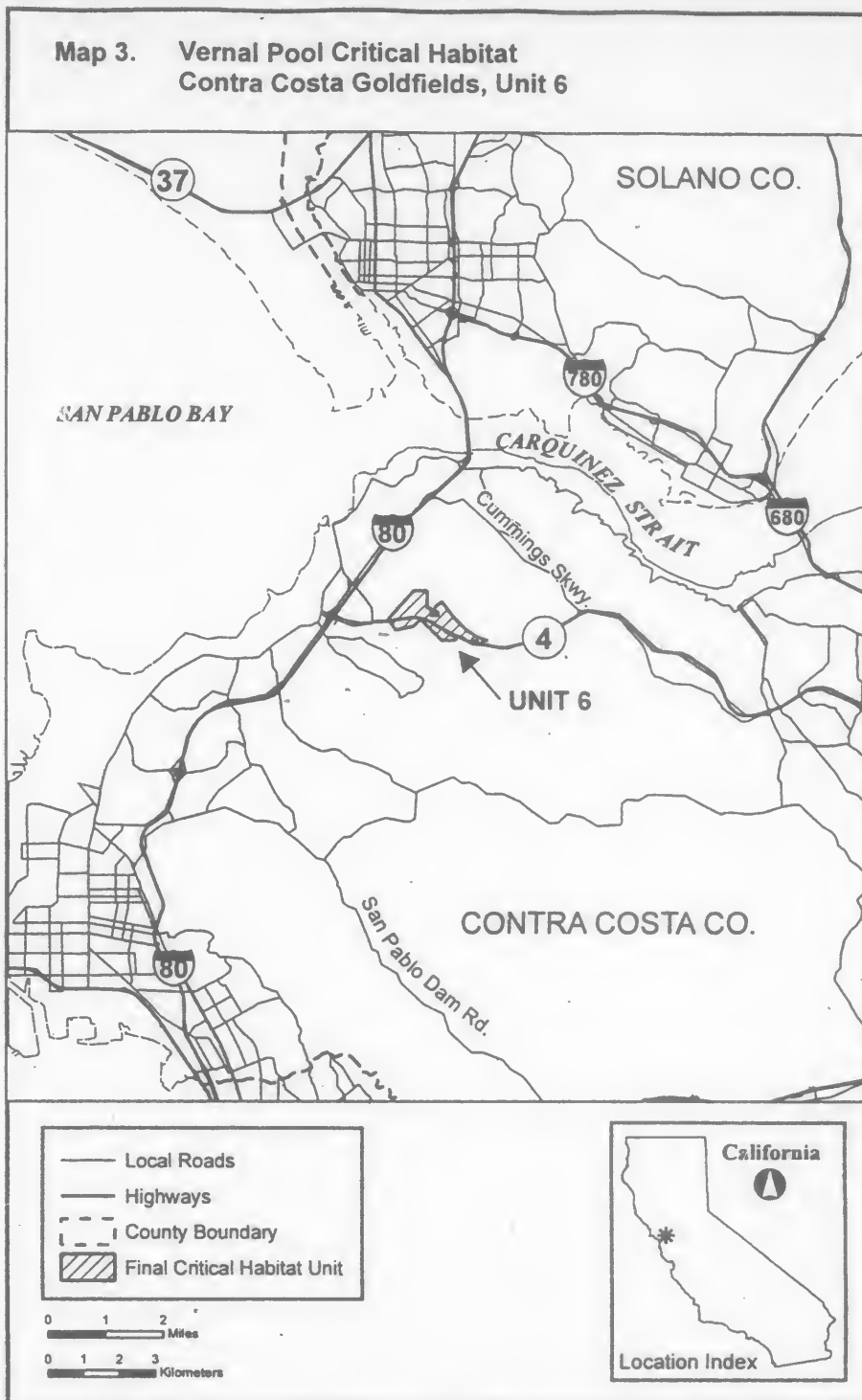
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568200, 4207200; 568500, 4207100;  
568400, 4207100; 568300, 4207000;  
568200, 4207000; 568200, 4207100;  
568100, 4207100; 568100, 4207000;  
567900, 4207100; 567700, 4207200;

567600, 4207200; 567600, 4207100;  
567500, 4207100; 567200, 4207100;  
566600, 4207700; 566400, 4207500;  
565900, 4207400; 565700, 4207700;

566411, 4208500; returning to 566800,  
4208500.

(11) Note: Unit 6 (Map 3) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(12) Unit 7: Contra Costa County, California. From USGS 1:24,000 scale quadrangles Byron Hot Springs, Clifton

Court Forebay. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 621800, 4191200; 622200, 4190700; 622300, 4190400;

622275, 4190400; 621200, 4190400; 621100, 4190400; 621100, 4188700; 620900, 4188700; 620600, 4188400; 620400, 4188600; 620400, 4188100;

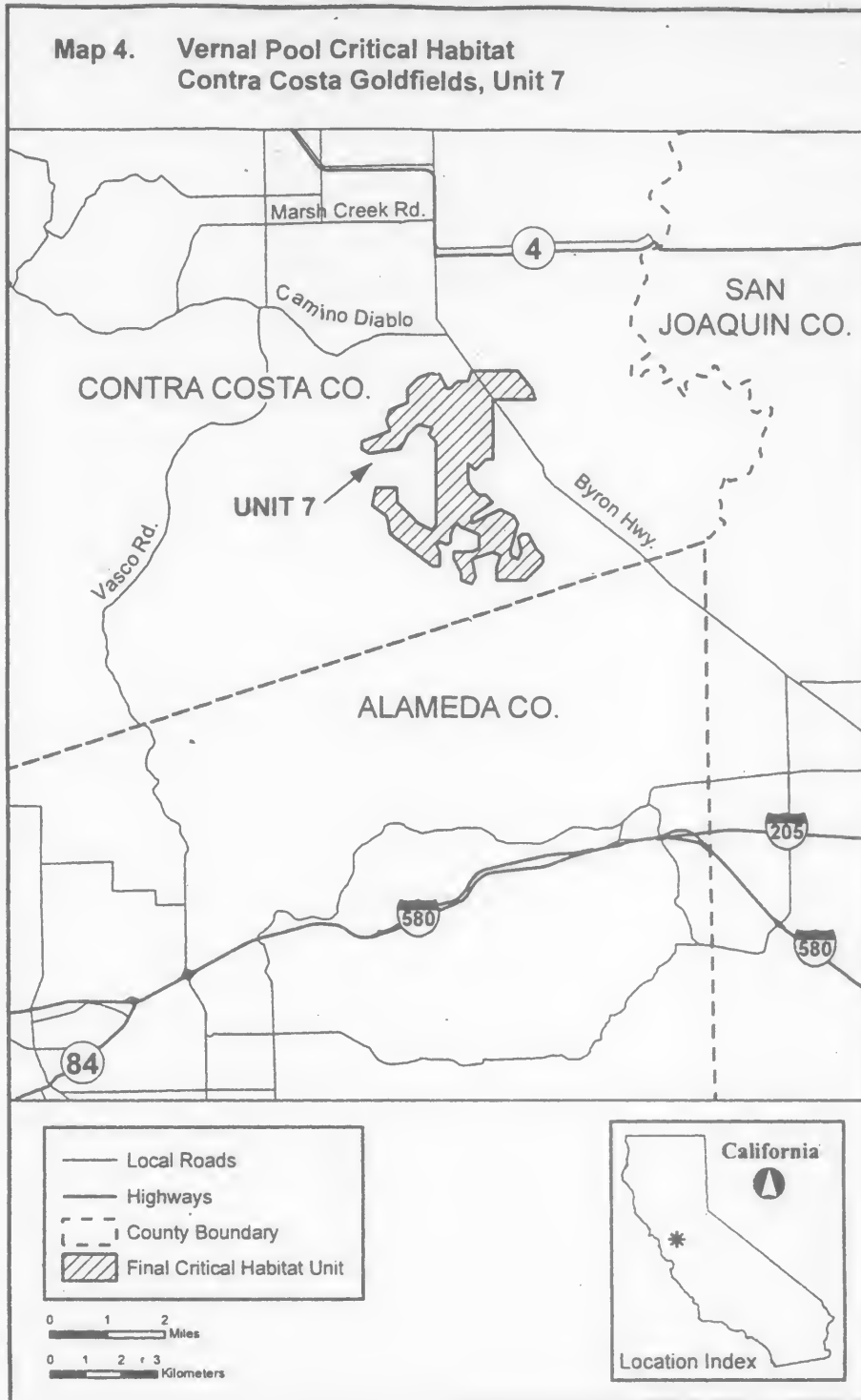
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621300, 4186000; 621100, 4186100;  
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618700, 4190700; 619000, 4191000;  
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619800, 4190700; 619900, 4190700;  
620100, 4190900; 620400, 4190900;  
620400, 4190900; 620400, 4190900;  
620500, 4191200; returning to 621800,  
4191200.

(13) Note: Unit 7 (Map 4) follows:  
BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(14) Unit 8: Alameda County, California.

(i) Unit 8A: Alameda County, California. From USGS 1:24,000 scale quadrangles Milpitas, Niles. Land bounded by the following UTM Zone

10, NAD 83 coordinates (E,N): 590100, 4150400; 590481, 4150210; 590452, 4150159; 590383, 4150201; 590320, 4150230; 590312, 4150216; 590309.

4150216; 590306, 4150215; 590303,  
 4150215; 590300, 4150214; 590297,  
 4150213; 590294, 4150212; 590291,  
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 4150263; 590199, 4150264; 590197,  
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 4150048; 589776, 4150050; 589771,  
 4150052; 589765, 4150053; 589760,  
 4150055; 589754, 4150058; 589749,  
 4150060; 589744, 4150063; 589739,

4150066; 589734, 4150068; 589729,  
 4150072; 589724, 4150075; 589719,  
 4150078; 589715, 4150082; 589710,  
 4150086; 589706, 4150090; 589702,  
 4150094; 589698, 4150098; 589694,  
 4150103; 589641, 4150165; 589900,  
 4150100; returning to 590100, 4150400;  
 (ii) Unit 8B: Alameda County,  
 California. From USGS 1:24,000 scale  
 quadrangles Milpitas, Niles. Land  
 bounded by the following UTM Zone  
 10, NAD 83 coordinates (E,N):592000.  
 4150900; 592300, 4150600; 592300,  
 4150582; 592274, 4150603; 592276,  
 4150615; 592213, 4150675; 592195,  
 4150689; 592081, 4150769; 592026,  
 4150768; 591957, 4150835; 591831,  
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 4150447; 591578, 4150446; 591575,  
 4150446; 591572, 4150445; 591569,  
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 4150433; 591547, 4150431; 591545,  
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 4150421; 591534, 4150419; 591533,  
 4150416; 591531, 4150414; 591529,  
 4150412; 591528, 4150409; 591526,  
 4150407; 591525, 4150404; 591523,  
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 4150391; 591518, 4150388; 591518,  
 4150385; 591517, 4150382; 591516,

4150379; 591516, 4150376; 591516,  
 4150374; 591515, 4150371; 591515,  
 4150368; 591515, 4150365; 591515,  
 4150362; 591515, 4150359; 591516,  
 4150356; 591516, 4150354; 591442,  
 4150273; 591396, 4150319; 591243,  
 4150156; 591255, 4150145; 591269,  
 4150133; 591300, 4150104; 591331,  
 4150075; 591473, 4149942; 591550,  
 4149873; 591589, 4149840; 591620,  
 4149817; 591665, 4149787; 591688,  
 4149775; 591721, 4149761; 591777,  
 4149738; 591825, 4149720; 591872,  
 4149707; 591913, 4149697; 591958,  
 4149690; 592001, 4149686; 592064,  
 4149684; 592119, 4149689; 592237,  
 4150383; 592245, 4150384; 592244,  
 4150388; 592251, 4150389; 592252,  
 4150385; 592298, 4150392; 592200,  
 4150000; 592100, 4149600; 592000,  
 4149500; 591984, 4149500; 592103,  
 4149649; 592088, 4149647; 592058,  
 4149645; 592030, 4149647; 591994,  
 4149650; 591954, 4149655; 591886,  
 4149666; 591844, 4149677; 591783,  
 4149697; 591717, 4149723; 591651,  
 4149757; 591594, 4149794; 591557,  
 4149824; 591530, 4149850; 591453,  
 4149920; 591310, 4150053; 591279,  
 4150082; 591248, 4150110; 591235,  
 4150123; 591222, 4150134; 591220,  
 4150131; 591045, 4149947; 590916,  
 4150021; 591500, 4150800; 591600,  
 4150700; 591800, 4150700; returning to  
 592000, 4150900;

(iii) Note: Unit 8 (Map 5) follows:

BILLING CODE 4310-55-P

**Map 5. Vernal Pool Critical Habitat  
Contra Costa Goldfields, Unit 8**



Family Limnaceae: *Limnanthes floccosa* ssp. *californica* (Butte County Meadowfoam)

(1) Critical habitat units are depicted for Tehama and Butte Counties, California, on the map below.

(2) The primary constituent elements of critical habitat for *Limnanthes floccosa* ssp. *californica* (Butte County meadowfoam) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Tehama and Butte Counties.

(i) Unit 1A: Tehama and Butte Counties, California. From USGS 1:24,000 scale quadrangles Richardson Springs NW, Campbell Mound, Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 597100, 4416400; 597100, 4415600; 597044, 4415525; 596800, 4415200; 597100, 4415000; 597800, 4415500; 598100, 4415200; 597600, 4414600; 597600, 4414400; 597300, 4413800; 597300, 4413300; 598200, 4413900; 598400, 4413900; 598400, 4413600; 597422, 4411938; 597281, 4412382; 596959, 4413403;

596640, 4414416; 596620, 4414481; 596305, 4415484; 596303, 4415489; 596130, 4416040; 596091, 4416160; 596028, 4416358; 596011, 4416411; 595993, 4416465; 595982, 4416500; 596000, 4416500; 596100, 4416400; 596200, 4416500; 596300, 4416600; 596400, 4416700; 596500, 4416700; 596500, 4416800; 596600, 4416800; returning to 597100, 4416400.

(ii) Unit 1B: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 598900, 4411800; 599400, 4411700; 599800, 4411700; 599800, 4411000; 599300, 4410700; 599100, 4410800; 599000, 4410800; 598800, 4410600; 598500, 4410400; 598300, 4410100; 598100, 4410000; 598070, 4409970; 598051, 4409993; 598038, 4410010; 598014, 4410083; 597806, 4410737; 597725, 4410990; 597461, 4411816; 597434, 4411900; 597600, 4411900; 598300, 4412700; 598500, 4413300; 598900, 4413300; returning to 598900, 4411800.

(5) Unit 2: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 600300, 4406000; 601200, 4405600; 601800, 4405600; 602000, 4405500; 602200, 4405200; 602500, 4405200; 602700, 4404900; 603300, 4404700; 604500, 4404200; 605200, 4404200; 605600, 4404000; 605600, 4403600; 605100, 4403300; 604700, 4403400; 604500, 4403300; 604475, 4403175; 604400, 4403100; 604300, 4403100; 604200, 4403000; 604100, 4402900; 604000, 4402900; 603800, 4402800; 603800, 4402600; 603600, 4402400; 603400, 4402400; 603200, 4402500; 603100, 4402400; 602900, 4402400; 602900, 4402100; 602700, 4402100; 602300, 4402600; 602300, 4402700; 601800, 4403300; 601714, 4403300; 601553, 4403500; 601501, 4403499; 601465, 4403621; 601319, 4403663; 601226, 4403595; 601089, 4403571; 600979, 4403503; 600901, 4403569; 600860, 4403446; 600704, 4403566; 600542, 4403475; 600507, 4403530; 600473, 4403563; 600453, 4403580; 600369, 4403651; 600344, 4403642; 600232, 4403605; 599983, 4403679; 599973, 4403678; 599801, 4403662; 599725, 4403718; 599651, 4403697; 599493, 4403839; 599328, 4403862; 599302, 4403865; 599269, 4403870; 599084, 4403634; 599024, 4403611; 598987, 4404400; 598980, 4404543; 598971, 4404723; 598955, 4405388; 598953, 4405458; 598951, 4405529; 598947, 4405677; 598934, 4405719; 598919, 4405750; 598913, 4405762; 598884, 4405795; 598842, 4405846; 598785, 4405905;

598773, 4405921; 598722, 4405972; 598711, 4405983; 598694, 4406000; 598635, 4406058; 598598, 4406103; 598583, 4406127; 598567, 4406159; 598549, 4406210; 598544, 4406234; 598540, 4406255; 598533, 4406421; 598522, 4406815; 598516, 4407133; 598511, 4407496; 598513, 4407515; 598525, 4407568; 598527, 4407571; 598527, 4407589; 598580, 4407812; 598800, 4407900; 598900, 4408100; 599200, 4408400; 600200, 4408900; 600300, 4408800; 600300, 4408400; 600000, 4408100; 600400, 4407600; 599500, 4406700; 599500, 4406200; returning to 600300, 4406000.

(6) Unit 3: Butte County, California. From USGS 1:24,000 scale quadrangle Richardson Springs, Paradise West, Chico. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 607600, 4401300; 607800, 4401100; 607500, 4400800; 606900, 4400800; 605100, 4399800; 605100, 4399600; 606500, 4399500; 606797, 4399330; 606777, 4399300; 606724, 4399252; 606568, 4399265; 606528, 4399272; 606479, 4399279; 606478, 4399279; 606394, 4399264; 606362, 4399238; 606329, 4399210; 606274, 4399169; 606209, 4399135; 606125, 4399122; 606060, 4399122; 605967, 4399131; 605899, 4399134; 605857, 4399134; 605822, 4399130; 605789, 4399116; 605781, 4399138; 605775, 4399149; 605764, 4399152; 605763, 4399152; 605701, 4399142; 605589, 4399116; 605504, 4399107; 605432, 4399110; 605319, 4399064; 605233, 4399045; 605173, 4399034; 605135, 4399023; 605134, 4399023; 605127, 4399023; 605109, 4399023; 605080, 4399025; 605063, 4399025; 605002, 4399051; 604957, 4399069; 604907, 4399092; 604029, 4399508; 603896, 4399435; 603886, 4399435; 603879, 4399436; 603300, 4399523; 603300, 4399600; 602900, 4399600; 603500, 4399800; 604700, 4400200; 604300, 4401300; 604400, 4401400; 604500, 4401300; 604600, 4401300; 604600, 4401400; 604900, 4401400; 604800, 4401400; 604900, 4401400; 604800, 4401600; 605300, 4401900; 605900, 4402000; 606400, 4401800; 607100, 4401400; returning to 607600, 4401300.

(7) Unit 4: Butte County, California. From USGS 1:24,000 scale quadrangles Oroville, Shippee. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 616900, 4376000; 616900, 4375800; 616600, 4375800; 615900, 4375800; 615900, 4377000; 616300, 4377000; 616300, 4378100; 614900, 4378100; 614900, 4378300; 614700, 4378300; 614700, 4378500; 614500, 4378500; 614500, 4378800; 614600, 4378900; 614600, 4379700;

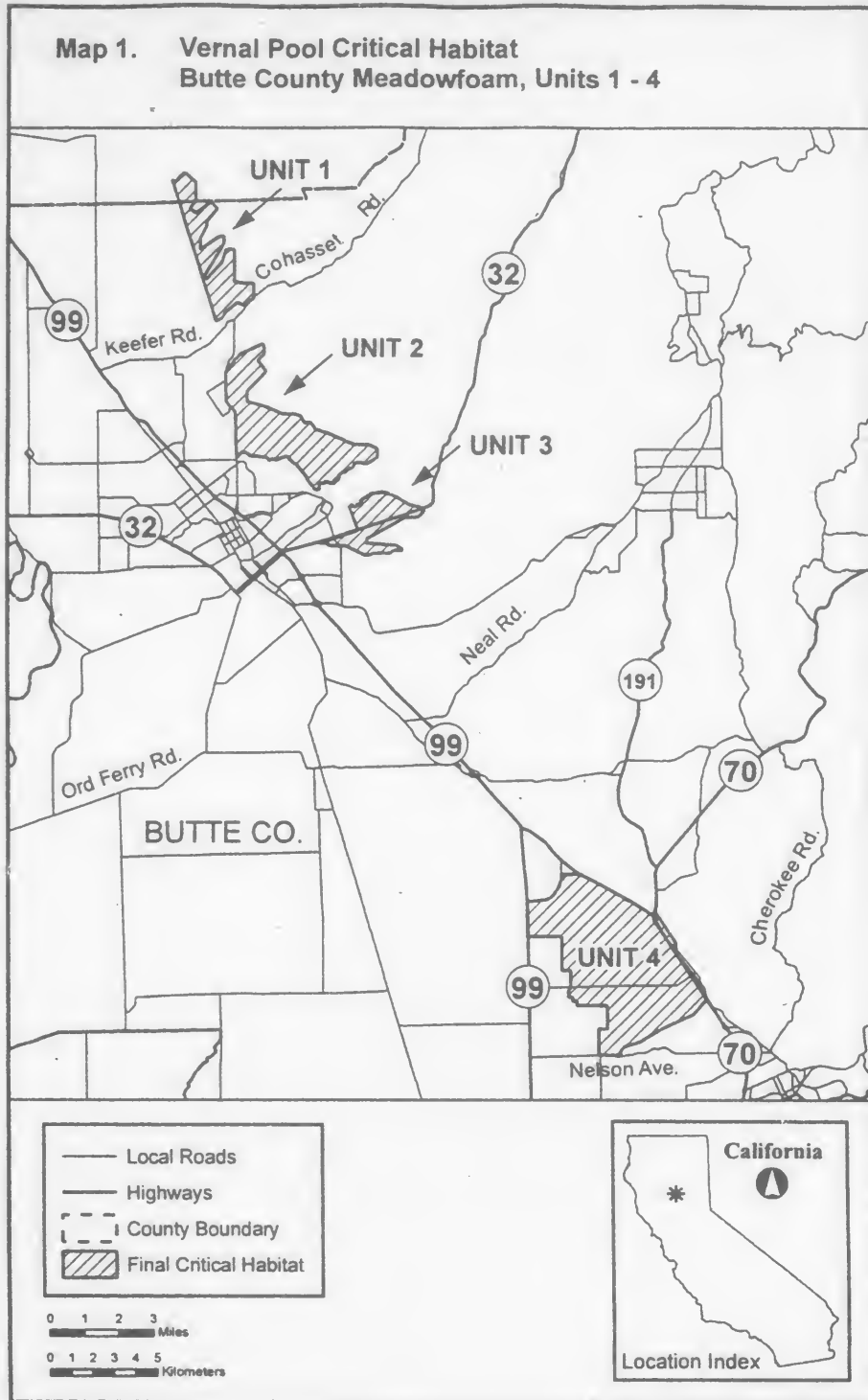
614200, 4379700; 614200, 4381300;  
612600, 4381300; 612600, 4382900;  
613500, 4383000; 613700, 4383100;  
613800, 4383200; 614000, 4383500;  
614200, 4384000; 614200, 4384200;  
614800, 4384200; 615073, 4384200;  
615806, 4383804; 616704, 4383304;

617266, 4382991; 617327, 4382957;  
617563, 4382829; 617589, 4382812;  
617987, 4382563; 618347, 4382330;  
618368, 4382306; 618445, 4382277;  
618444, 4382301; 618457, 4382372;  
618463, 4382408; 618500, 4382501;  
618500, 4382500; 619300, 4381300;

619500, 4381000; 619500, 4380500;  
620800, 4378900; 620900, 4378400;  
620300, 4377700; 618800, 4377000;  
617800, 4376400; 617100, 4376200;  
returning to 616900, 4376000.

(8) Note: Units 1-4 (Map 1) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Family Poaceae: *Neostapfia colusana*  
(Colusa Grass)

(1) Critical habitat units are depicted for Mariposa, Merced, Stanislaus,

Tuolumne, and Yolo Counties, California, on the map below.

(2) The primary constituent elements of critical habitat for *Neostapfia*

*colusana* (Colusa grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils

are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

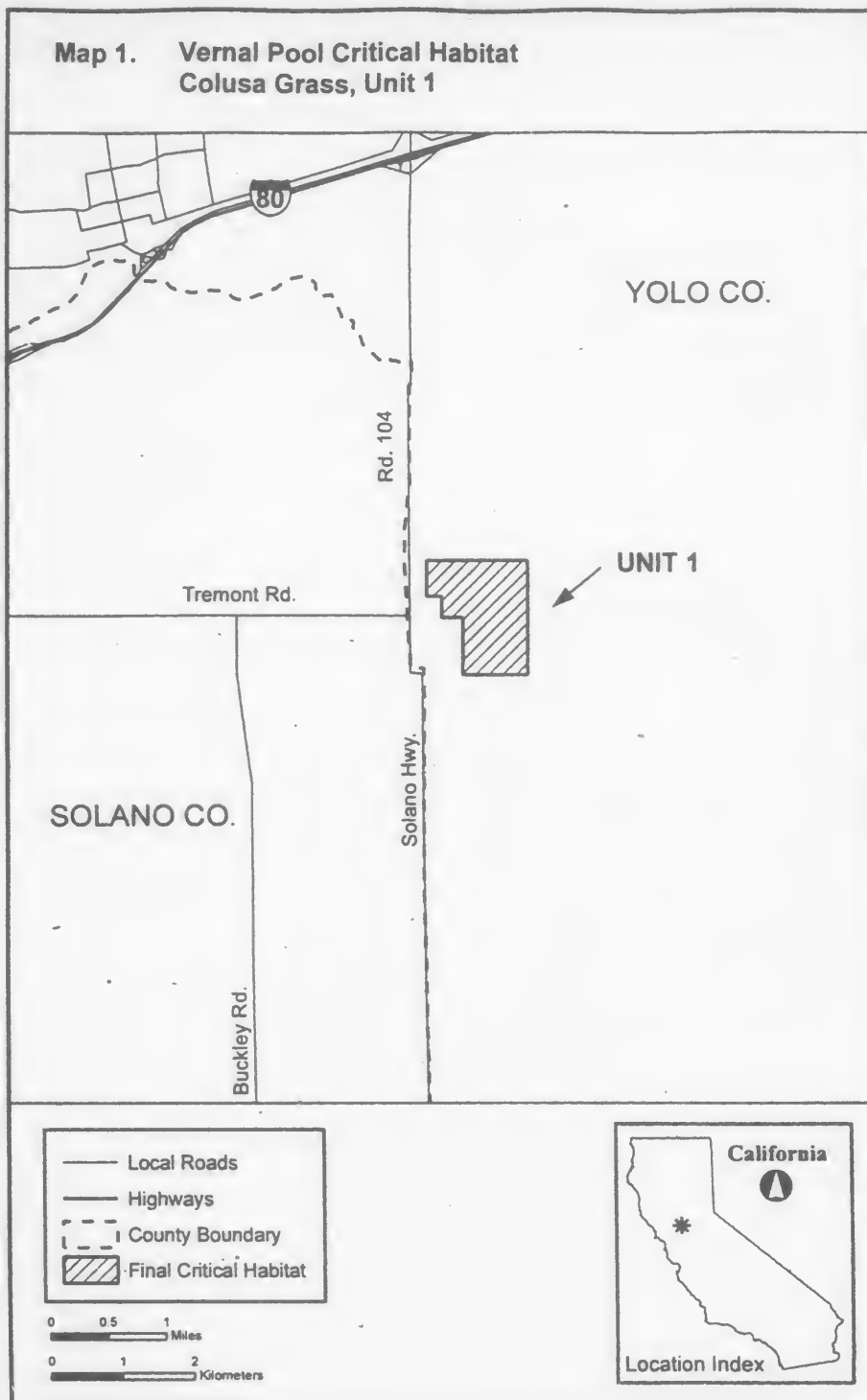
(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or

more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Yolo County, California. From USGS 1:24,000 topographic quadrangles Davis and Saxon: 615400, 4262300; 615400, 4260700; 614500, 4260700; 614500, 4261500; 614200, 4261500; 614200, 4261800; 614000, 4261800; 614000, 4262300; returning to 615400, 4262300.

(5) Note: Map Unit 1 (Map 1) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 4: Tuolumne and Stanislaus Counties, California.

(i) Unit 4A: Tuolumne and Stanislaus Counties, California. From USGS 1:24,000 topographic quadrangles Knights Ferry and Keystone. Land bounded by

the following UTM Zone 10, NAD 83 coordinates (E,N): 709919, 4186841; 709913, 4186795; 709477, 4187175; 709275, 4187351; 708435, 4188084;



708351, 4188158; 708264, 4188233;  
708132, 4188349; 707999, 4188465;  
707639, 4188779; 707607, 4188807;  
707900, 4189100; 708400, 4189600;  
708700, 4190000; 709200, 4189300;  
709200, 4188600; 710100, 4188200;  
returning to 709919, 4186841.

(ii) Unit 4B: Stanislaus County, California. From USGS 1:24,000 topographic quadrangles Waterford and Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 701282, 4176830; 701345, 4176765; 701756, 4176778; 701600, 4176700; 701600, 4176500; 701600, 4176200; 701700, 4175900; 701800, 4175800; 702000, 4175800; 702000, 4175100; 701600, 4175100; 701600, 4174200; 701900, 4173700; 701800, 4173600; 701700, 4173500; 701700, 4173300; 701700, 4173200; 701600, 4173200; 701500, 4173100; 701500, 4173000; 701600, 4173000; 701600, 4172800; 701500, 4172600; 701300, 4172500; 701100, 4172600; 700700, 4172600; 700600, 4172600; 700500, 4172700; 700500, 4172900; 700400, 4172900; 700400, 4172800; 700100, 4172700; 699600, 4172700; 699500, 4172800; 699300, 4172800; 699100, 4172500; 698800, 4172500; 698700, 4172600; 698400, 4172400; 698100, 4172800; 698200, 4173000; 697400, 4174300; 697300, 4174300; 697300, 4174500; 697800, 4174500; 697800, 4176300; 697700, 4176437; 698090, 4176397; 698085, 4176613; 698084, 4176642; 699300, 4176684; 700500, 4176726; 701204, 4176750; returning to 701282, 4176830.

(iii) Unit 4C: Stanislaus County, California. From USGS 1:24,000 topographic quadrangle Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 702000, 4171800; 702000, 4169800; 702200, 4169800; 702200, 4169700; 702200, 4169658; 701000, 4169612; 701000, 4169700; 700700, 4169700; 700700, 4170400; 700700, 4170500; 700550, 4170500; 700500, 4170533; 700500, 4170900; 700300, 4170900; 700300, 4171100; 700300, 4171800; 701200, 4171800; returning to 702000, 4171800.

(iv) Unit 4D: Tuolumne County Stanislaus Counties, California. From USGS 1:24,000 topographic quadrangles Paulsell, Cooperstown, La Grange. Keystone. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 715600, 4180900; 715400, 4180400; 716600, 4180400; 716900, 4179900; 717482, 4180046; 717700, 4180100; 718500, 4180000; 718700, 4179200; 719300, 4178700; 719455, 4178273; 719700, 4177600; 720126, 4177671; 720300, 4177709; 720700, 4177700; 720745, 4177115; 720800, 4176400; 721400, 4175900;

722200, 4175300; 722700, 4175200;  
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720900, 4169600; 720000, 4168500;  
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703586, 4179240; 704434, 4179184;  
705229, 4179481; 706142, 4179326;  
708062, 4179408; 708659, 4178568;  
709277, 4179043; 709879, 4179505;  
709905, 4179525; 711259, 4179578;  
711250, 4179933; 711628, 4179987;  
711599, 4180753; 711578, 4180885;  
713039, 4181325; 713440, 4181474;  
714003, 4181741; 714540, 4182019;  
714627, 4182073; 714700, 4182000;  
715200, 4181600; returning to 715600, 4180900.

(v) Unit 4E: Stanislaus County, California. From USGS 1:24,000 topographic quadrangle Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 703100, 4177500; 703000, 4177300; 702911, 4177359; 702906, 4177503; 703100, 4177507; returning to 703100, 4177500.

(7) Unit 5: Stanislaus County, California

(i) Unit 5A: Stanislaus County, California. From USGS 1:24,000 topographic quadrangles Paulsell and

Montpelier: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 704200, 4166200; 704000, 4166200; 703800, 4166400; 703400, 4166600; 703400, 4166800; 703500, 4166800; 703600, 4166900; 703700, 4167000; 703700, 4167200; 704600, 4167600; 704700, 4167600; 704800, 4167500; 705000, 4167400; 705300, 4167400; 705300, 4166400; 705000, 4166300; 704400, 4166300; returning to 704200, 4166200.

(ii) Unit 5B: Stanislaus and Merced Counties, California. From USGS 1:24,000 topographic quadrangles Paulsell, Cooperstown, La Grange, Montpelier, Turlock Lake, Snelling, Merced Falls. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 720900, 4167500; 721100, 4167400; 721300, 4167700; 721700, 4167700; 722000, 4167600; 722500, 4167600; 723200, 4167100; 723500, 4166300; 723000, 4166100; 723200, 4165600; 723400, 4165700; 723600, 4165600; 723600, 4165100; 723700, 4164900; 724300, 4164900; 725000, 4163700; 725300, 4163800; 724900, 4162800; 725100, 4162700; 725400, 4162700; 726000, 4164100; 726300, 4163500; 726200, 4163100; 726000, 4163000; 726100, 4162700; 726199, 4160629; 726200, 4160600; 725800, 4160600; 725000, 4160200; 725300, 4159800; 726300, 4160200; 727000, 4159500; 727000, 4160400; 727223, 4160623; 727246, 4160646; 727300, 4160700; 727312, 4160647; 727317, 4160625; 727500, 4159800; 727600, 4159800; 727800, 4160400; 728300, 4160400; 728752, 4160658; 728773, 4160670; 729000, 4160800; 729244, 4160678; 729261, 4160670; 730400, 4160100; 730300, 4160500; 730600, 4160600; 730905, 4160871; 731500, 4161400; 731900, 4161400; 732000, 4160800; 731700, 4160700; 732000, 4160000; 733500, 4159000; 733700, 4158700; 733300, 4158600; 733300, 4158300; 733800, 4157700; 733400, 4157100; 731700, 4156900; 730900, 4156500; 728900, 4156600; 728700, 4156700; 728700, 4156800; 728600, 4156900; 728300, 4156900; 728100, 4156800; 727900, 4156800; 727100, 4156800; 726900, 4156600; 726700, 4156500; 726300, 4156500; 726100, 4156600; 725800, 4156500; 725600, 4156400; 725500, 4156300; 725400, 4156200; 725100, 4156100; 725000, 4156000; 724900, 4156000; 724800, 4156100; 724300, 4156100; 724300, 4155700; 723800, 4155700; 723900, 4155300; 723300, 4155400; 722700, 4155100; 722700, 4155400; 722300, 4155400; 722300, 4156800; 722900, 4156800; 722900, 4157400; 723500, 4157400; 723500, 4157000;

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719800, 4166100; 719900, 4166300;  
719900, 4166200; 720700, 4166200;  
720700, 4163700; 721533, 4163700;  
721700, 4163700; 722400, 4164100;  
722400, 4164155; 722400, 4165300;  
722200, 4165300; 722200, 4165400;  
721500, 4165400; 721500, 4166100;  
721000, 4166300; 720700, 4166500;  
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721100, 4166900; 721000, 4167000;  
720300, 4167000; 720100, 4166900;  
720200, 4166700; 720200, 4166600;  
720100, 4166500; 720000, 4166500;  
719800, 4166800; 719500, 4167400;  
719500, 4167600; 719700, 4167800;  
720500, 4167800; 720700, 4167700;  
returning to 720900, 4167500.

(iii) Unit 5C: Merced County, California. From USGS 1:24,000 topographic quadrangle Turlock Lake. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 713800, 4155400; 712600, 4155200; 712600, 4156800; 712900, 4156800; 712900, 4157200; 714800, 4157200; 714300, 4156300; 714200, 4156200; 714000, 4155500; 714000, 4155400; returning to 713800, 4155400.

(iv) Unit 5D: Merced County, California. From USGS 1:24,000 topographic quadrangle Merced Falls. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 734700, 4158000; 734500, 4157900; 734700, 4158000; 734900, 4158300; returning to 734700, 4158000.

(v) Unit 5E: Merced County, California. From USGS 1:24,000 topographic quadrangles Merced Falls. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 735600, 4158100; 736171, 4157529; 735600, 4158100; returning to 735600, 4158100.

(8) Unit 6: Merced and Mariposa Counties, California. From USGS 1:24,000 topographic quadrangles Winton, Yosemite Lake, Snelling, Merced Falls, Haystack Mtn., Indian Gulch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 737800, 4155000; 738200, 4154200; 738300, 4153300; 739000, 4152800; 739100, 4152200; 740200, 4151800; 740800, 4151500; 740800, 4150300; 741100, 4149900; 741700, 4149400; 742100, 4148500; 742100, 4147100; 743400, 4146100; 744000, 4145600; 744400, 4144600; 744300, 4143900; 743900, 4142700; 744000, 4142000; 744200, 4141700; 745500, 4140300; 745504, 4139577; 745500, 4139576; 745490, 4139575; 745422, 4139619; 745281, 4139676; 745269, 4139653; 745219, 4139621; 745324, 4139603; 745368, 4139567; 745432, 4139432; 745432, 4139432; 745433, 4139429; 745469, 4139385; 745412,

4139359; 745339, 4139307; 745338, 4139306; 745334, 4139300; 745299, 4139239; 745171, 4139174; 745038, 4139064; 744922, 4139007; 744890, 4138973; 744873, 4138873; 744852, 4138807; 744854, 4138756; 744892, 4138670; 744893, 4138653; 744895, 4138606; 744895, 4138606; 744830, 4138711; 744596, 4139085; 744234, 4139637; 744233, 4139645; 744162, 4139744; 744162, 4139744; 744013, 4140002; 744013, 4140002; 743998, 4140029; 743996, 4140030; 743973, 4140072; 743907, 4140195; 743889, 4140229; 743877, 4140264; 743750, 4140609; 743388, 4140868; 743091, 4141131; 743053, 4141165; 742997, 4141268; 742771, 4141692; 742748, 4141734; 742355, 4142343; 742336, 4142368; 742271, 4142457; 742238, 4142503; 742139, 4142637; 742056, 4142749; 742002, 4142823; 741974, 4142874; 741808, 4143176; 741722, 4143360; 741419, 4144010; 741385, 4144081; 741316, 4144328; 741297, 4144395; 741245, 4144456; 741194, 4144530; 741162, 4144608; 741076, 4144820; 740864, 4144897; 740843, 4144899; 740750, 4144952; 740641, 4145056; 740535, 4145175; 740517, 4145182; 740490, 4145240; 740487, 4145263; 740386, 4145415; 740321, 4145847; 740320, 4146066; 740303, 4146114; 740276, 4146159; 740272, 4146225; 740293, 4146273; 740293, 4146303; 740370, 4146426; 740415, 4146474; 740536, 4146602; 740735, 4146722; 740825, 4146775; 741069, 4147251; 741071, 4147549; 741071, 4147576; 740982, 4147830; 740955, 4147883; 740914, 4147967; 740822, 4148059; 740772, 4148182; 740782, 4148363; 740776, 4148391; 740695, 4148831; 740617, 4149151; 740447, 4149311; 740396, 4149534; 740344, 4149561; 740303, 4149575; 740289, 4149588; 740238, 4149636; 740225, 4149666; 740057, 4149659; 739993, 4149678; 739917, 4149678; 739791, 4149621; 739705, 4149597; 739701, 4149596; 739602, 4149593; 739521, 4149560; 739443, 4149542; 739197, 4149515; 738714, 4149273; 738694, 4149252; 738674, 4149251; 738178, 4148999; 737835, 4148823; 737747, 4148772; 737044, 4148135; 736672, 4147809; 736430, 4147669; 735929, 4147379; 735716, 4147219; 735669, 4147184; 735605, 4147136; 735437, 4147009; 735223, 4146848; 735183, 4146809; 735156, 4146798; 735151, 4146778; 735022, 4146655; 734989, 4146630; 734609, 4146349; 734480, 4146255; 734012, 4145909; 733808, 4145758; 733765, 4145739; 733763, 4145732; 733370, 4145442; 732703, 4144952; 732391, 4144910; 732197, 4144885; 731993, 4144850; 731062,

4144594; 730371, 4144363; 729000, 4143905; 728736, 4143813; 728542, 4143745; 728346, 4143647; 728018, 4143482; 727340, 4143194; 726795, 4142958; 726607, 4142867; 726599, 4142856; 726577, 4142853; 725785, 4142417; 725793, 4142408; 725843, 4142361; 726002, 4142378; 726117, 4142355; 726204, 4142264; 726415, 4142046; 726420, 4141975; 726381, 4141921; 726367, 4141880; 726261, 4141732; 726182, 4141648; 725935, 4141477; 725916, 4141451; 725903, 4141379; 725914, 4141349; 725981, 4141288; 726033, 4141240; 726145, 4141137; 726156, 4141109; 726147, 4141073; 726096, 4140993; 726083, 4140896; 726089, 4140784; 726108, 4140739; 726268, 4140551; 726269, 4140436; 726283, 4140368; 726313, 4140308; 726412, 4140209; 726455, 4140025; 726457, 4140000; 726459, 4139959; 726715, 4139715; 726786, 4139647; 726804, 4139630; 726822, 4139625; 726822, 4139611; 726823, 4139582; 726809, 4139546; 726755, 4139466; 726754, 4139433; 726931, 4139179; 727174, 4138842; 727220, 4138823; 727261, 4138819; 727328, 4138864; 727331, 4138842; 727333, 4138831; 727335, 4138819; 727343, 4138816; 727396, 4138803; 727406, 4138800; 727414, 4138798; 727552, 4138779; 727711, 4138793; 727806, 4138786; 727819, 4138766; 727845, 4138644; 727858, 4138617; 727881, 4138590; 727700, 4138500; 727600, 4138400; 727400, 4138300; 727400, 4137800; 727300, 4137800; 727300, 4137600; 727400, 4137600; 727400, 4137500; 727300, 4137500; 727300, 4137400; 727400, 4137400; 727400, 4137200; 726500, 4137200; 726500, 4136500; 726400, 4136400; 725800, 4136400; 725800, 4137200; 725000, 4137200; 724900, 4138800; 725500, 4138800; 725500, 4138700; 725800, 4138700; 725800, 4138800; 725900, 4138800; 725900, 4139500; 726500, 4139500; 726500, 4139600; 725800, 4139600; 725800, 4140200; 725900, 4140200; 725900, 4140900; 725400, 4140900; 725400, 4140800; 725100, 4141000; 724900, 4141000; 724900, 4141200; 724100, 4141200; 724100, 4141600; 723400, 4141600; 723200, 4141100; 723200, 4140600; 723400, 4140500; 723400, 4139500; 724000, 4139500; 724000, 4139400; 723900, 4138900; 723900, 4138700; 723500, 4138200; 723400, 4138200; 723400, 4138300; 723000, 4138300; 723000, 4138700; 723000, 4138900; 723100, 4139100; 723200, 4139400; 723300, 4139500; 722100, 4139500; 722000, 4140500; 721900, 4141100; 721900, 4141900; 721900,

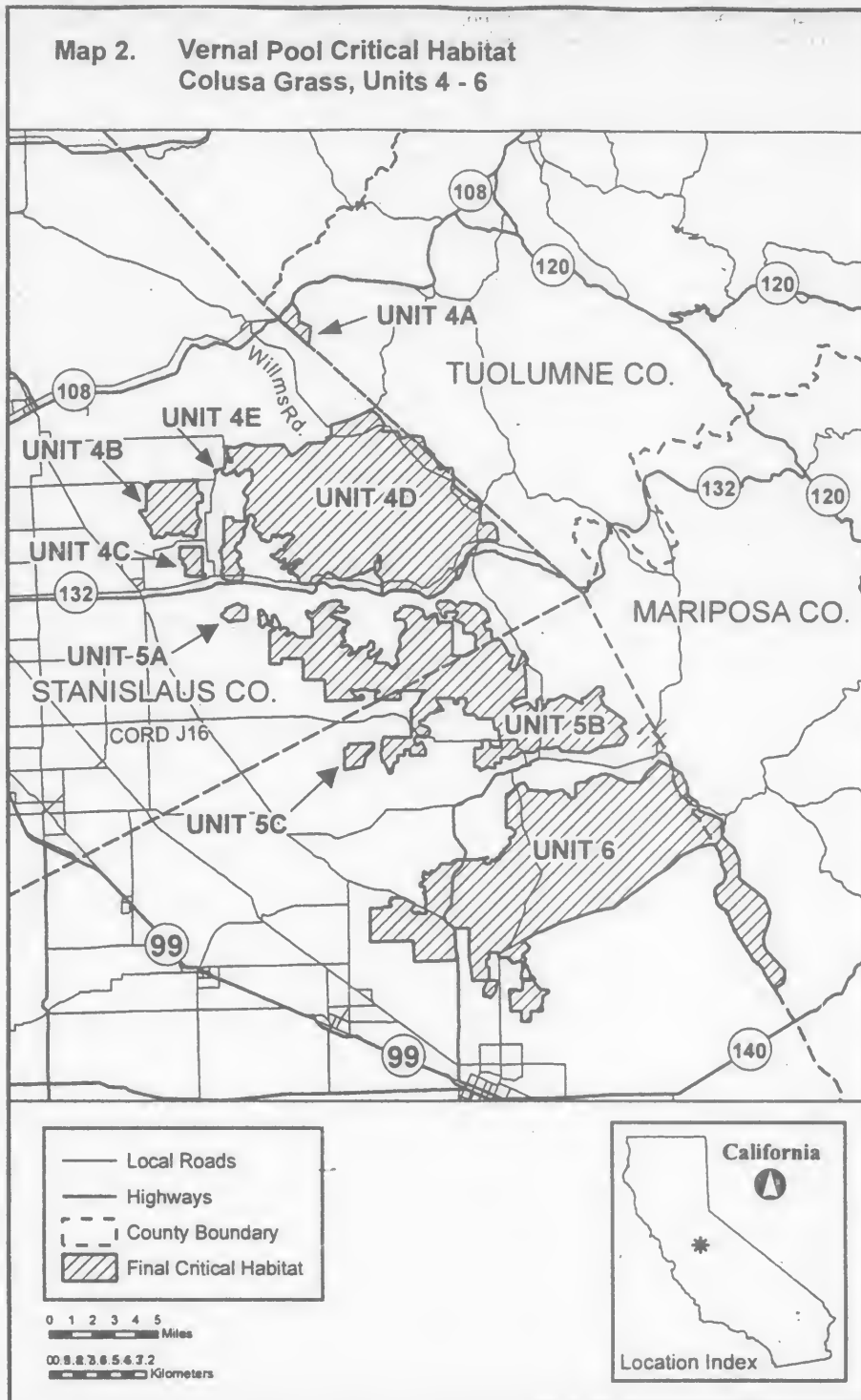
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4153700; 727800, 4153600; 727800,  
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4154300; 734700, 4154300; 734900,  
4154600; 735100, 4154800; 735100,  
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4155300; 735800, 4155500; 736100,  
4155900; 737100, 4155400; 737157,  
4155367; returning to 737800, 4155000.

(9) Note: Units 4-6 (Map 2) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(10) Unit 7: Merced County, California.

(i) Unit 7A: Merced County, California. From USGS 1:24,000 topographic quad Sandy Mush and El Nido. Land bounded by the following

UTM Zone 10, NAD 83 coordinates (E.N): 718900, 4120900; 718900, 4120000; 719300, 4120000; 719400, 4120200; 719600, 4120100; 720200,

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(ii) Unit 7B: Merced County, California. From USGS 1:24,000 topographic quadrangle Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 721300, 4120800; 720500, 4120800; 720500, 4121600; 721300, 4121600; 721300, 4121200; returning to 721300, 4120800.

(iii) Unit 7C: Merced County, California. From USGS 1:24,000 topographic quadrangle El Nido. Land bounded by the following UTM Zone

10, NAD 83 coordinates (E,N): 722900, 4121800; 721800, 4121800; 722200, 4122500; 722900, 4122500; returning to 722900, 4121800.

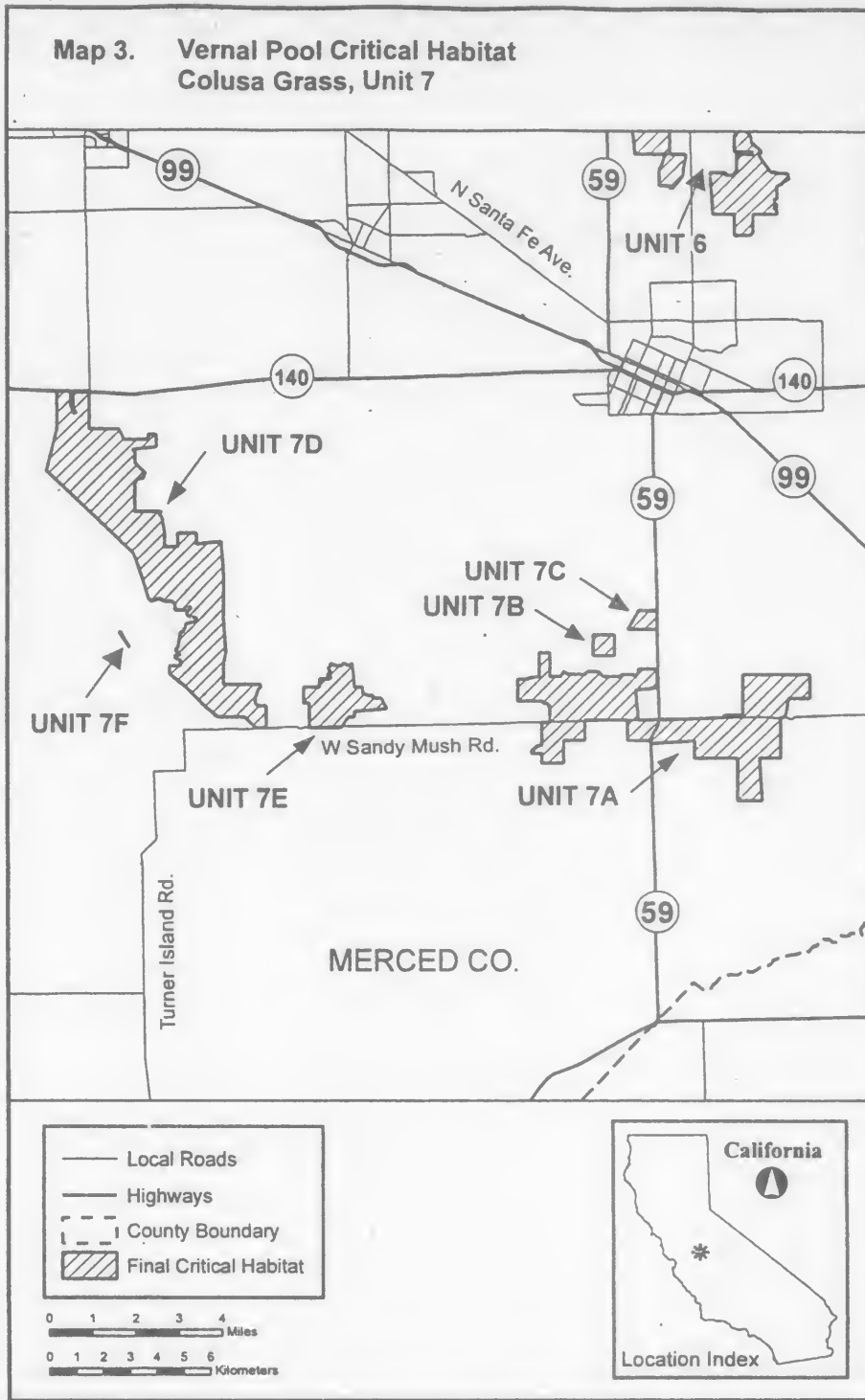
(iv) Unit 7D: Merced County, California. From USGS 1:24,000 topographic quadrangles Arena, and Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 701700, 4130600; 701700, 4129200; 701800, 4129200; 702800, 4129200; 703000, 4128800; 703300, 4128800; 703900, 4128800; 703900, 4129000; 704200, 4129000; 704200, 4128500; 703300, 4128400; 703400, 4128300; 703400, 4127900; 703500, 4127800; 703800, 4127500; 703700, 4127300; 703500, 4127300; 703400, 4127100; 703400, 4126100; 703400, 4126100; 703500, 4126100; 704400, 4126100; 704300, 4126000; 704300, 4125900; 704500, 4125300; 704500, 4124800; 705000, 4124800; 705000, 4125300; 705700, 4125300; 705700, 4124900; 706600, 4125000; 706700, 4123700; 706700, 4122100; 706800, 4120900; 706700, 4120500; 706700, 4119700; 708100, 4119700; 708100, 4119600; 708000, 4119500; 707900, 4119200; 707900, 4119000; 708000, 4118900; 708300, 4118900; 708300, 4118100; 707900, 4118100; 707500, 4118500; 706500, 4118500; 706000, 4118900; 705600, 4119300; 705200, 4119700; 704800, 4120000; 704700, 4120100; 704700, 4120400; 705100, 4120600; 704900, 4120700; 704900, 4120800; 705100, 4120800; 704900, 4121000; 705000, 4121100; 705100, 4121700; 705200, 4121700; 705300, 4122000; 705700, 4122100; 705700, 4122200; 705400, 4122300; 705300, 4122400; 705500, 4122600; 705400, 4122600; 705300, 4122500;

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(v) Unit 7E: Merced County, California. USGS 24,000 topographic quadrangles Turner Ranch, and Sandy Mush. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 711200, 4120500; 711400, 4120400; 711500, 4120500; 711600, 4119600; 711900, 4119600; 711900, 411900; 712100, 4119300; 712300, 4119300; 712300, 4119200; 712600, 4119200; 712800, 4118800; 711600, 4118700; 711600, 4118500; 711400, 4118500; 711300, 4118400; 711100, 4118100; 709900, 4118100; 709900, 4118800; 709900, 4119000; 709700, 4119000; 709700, 4119600; 710300, 4119600; 710300, 4119900; 710700, 4119900; 710700, 4120000; 710600, 4120000; 710600, 4120100; 710700, 4120200; 710600, 4120300; 710700, 4120400; 710700, 4120500; 710900, 4120400; 711100, 4120400; returning to 711200, 4120500.

(vi) Unit 7F: Merced County, California. From USGS 1:24,000 topographic quadrangle Turner Ranch. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 702870, 4121705; 703200, 4121100; 702800, 4121700; returning to 702870, 4121705.

(vii) Note: Unit 7 (Map 3) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Family Poaceae: *Orcuttia inaequalis* (San Joaquin Valley Orcutt Grass).

(1) Critical habitat units are depicted for Fresno, Madera, Mariposa, Merced,

and Tulare Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Orcuttia inaequalis*

(San Joaquin Valley Orcutt grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Merced and Mariposa Counties, California. From USGS 1:24,000 topographic quadrangles Snelling, Merced Falls, Winton, Yosemite Lake, Haystack Mountain, Indian Gulch, Merced, and Owens Reservoir. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 737800, 4155000; 738200, 4154200; 738300, 4153300; 739000, 4152800; 739100, 4152200; 740200, 4151800; 740800, 4151500; 740800, 4150300; 741100, 4149900; 741700, 4149400; 742100, 4148500; 742100, 4147100; 743400, 4146100; 744000, 4145600; 744400, 4144600; 744300, 4143900; 743900, 4142700; 744000, 4142000; 744200, 4141700; 745500, 4140300; 745500, 4139600; 745500, 4139576; 745500, 4139500; 745432, 4139432; 745400, 4139400; 745339, 4139307; 745338, 4139306; 745334, 4139300; 745299, 4139239; 745171, 4139174; 745038, 4139064; 744922, 4139007; 744890, 4138973; 744873, 4138873; 744852, 4138807; 744854, 4138756; 744892, 4138670;

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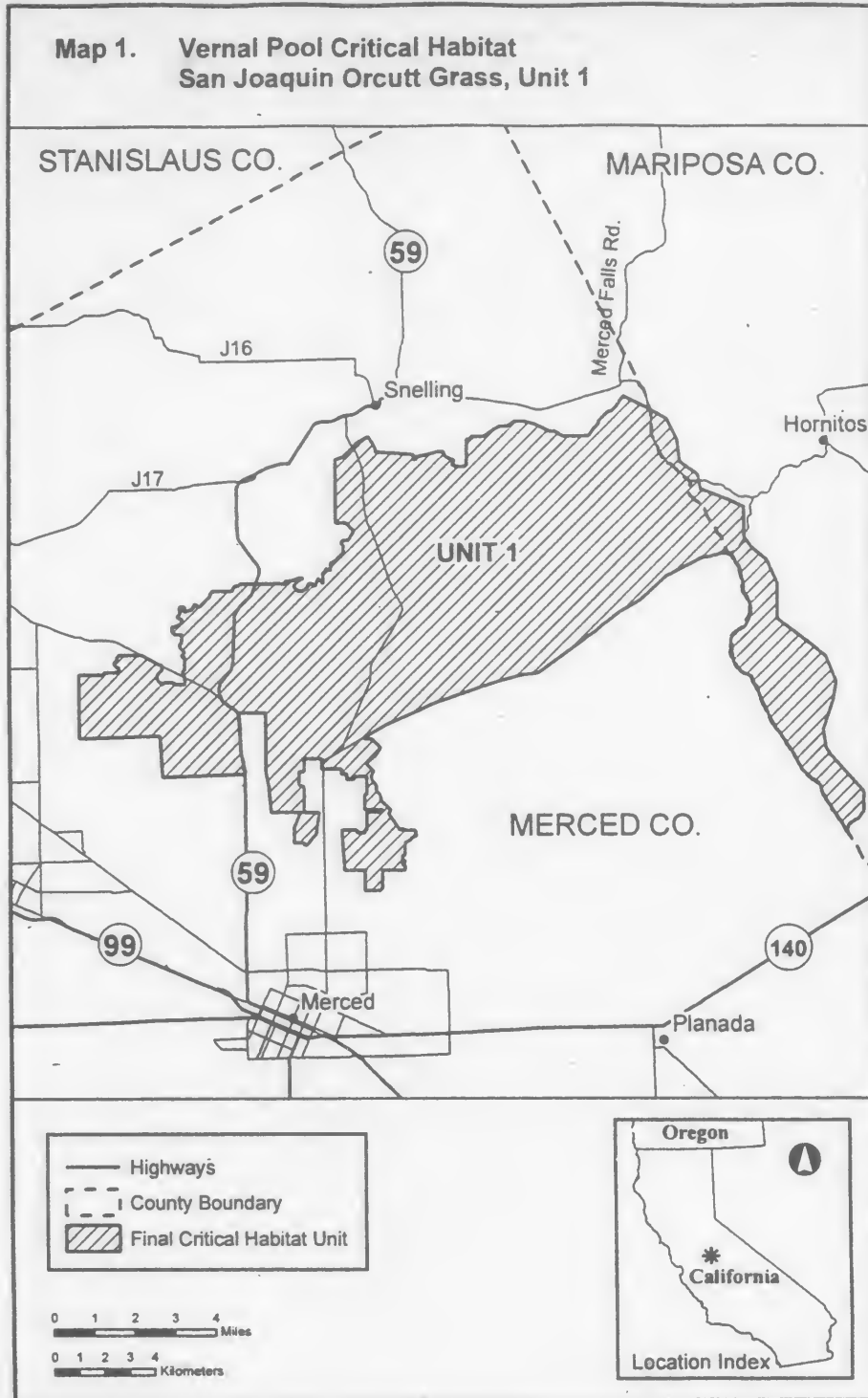
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returning to 737800, 4155000.

(5) Note: Unit 1 (Map 1) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 2: Merced, Madera, and Mariposa Counties, California. From USGS 1:24, 000 topographic

quadrangles Owens Reservoir, Plainsburg, Le Grand, and Raynor Creek. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N):

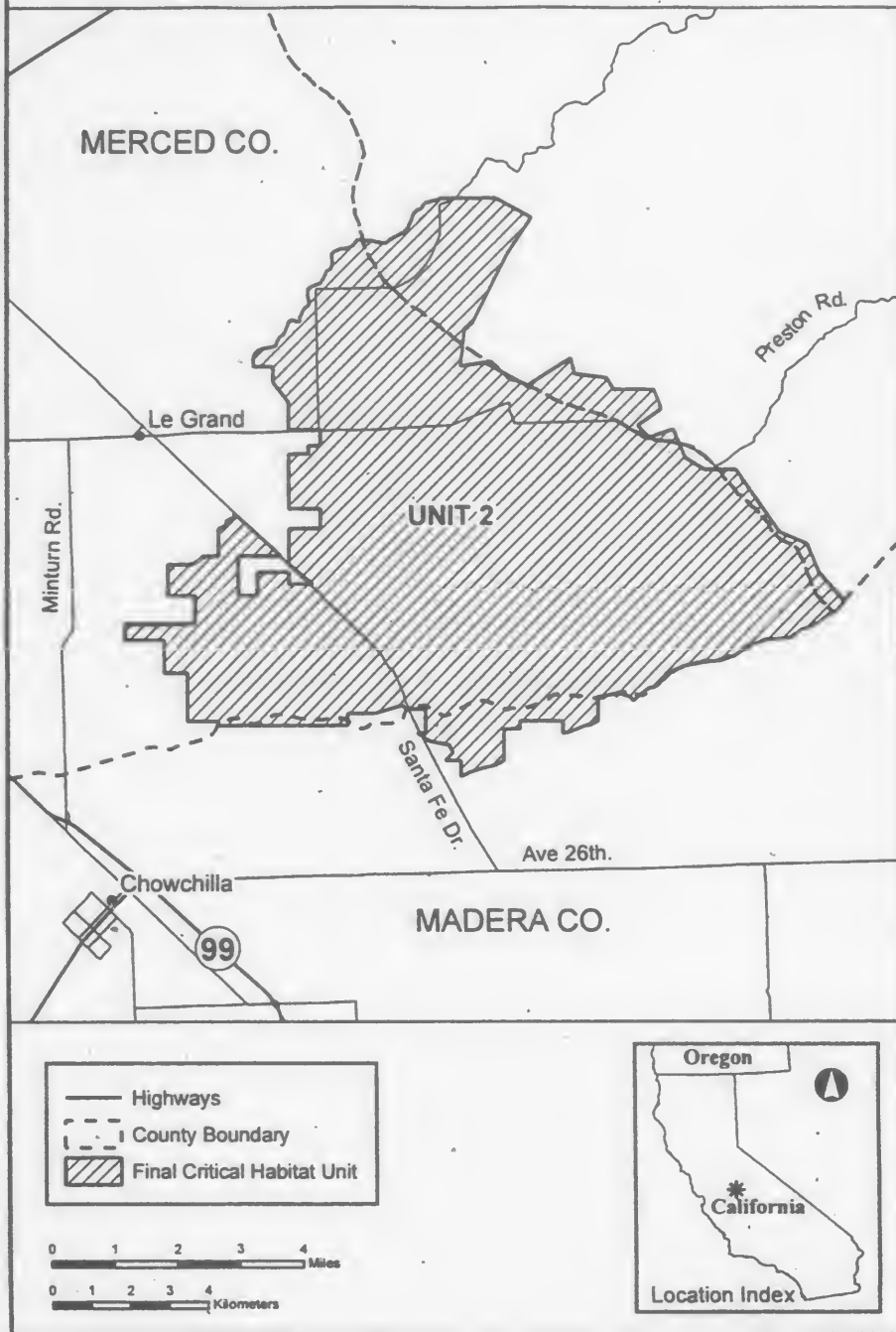
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747003, 4125902; 747142, 4125971;  
747303, 4125987; 747358, 4126000;  
747358, 4126000; 747406, 4126011;  
747451, 4126022; 747478, 4126053;  
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747650, 4126316; 747692, 4126358;  
747766, 4126528; 747794, 4126628;  
747823, 4126667; 747863, 4126691;  
747898, 4126700; 747962, 4126676;  
748037, 4126635; 748075, 4126641;  
748085, 4126672; 748080, 4126756;  
748141, 4126839; 748166, 4126932;  
748194, 4126991; 748196, 4126992;  
748292, 4127060; 748321, 4127094;  
748332, 4127134; 748320, 4127203;  
748300, 4127277; 748295, 4127296;  
748287, 4127458; 748300, 4127486;  
748306, 4127500; 748343, 4127521;  
748396, 4127553; 748439, 4127570;  
748635, 4127644; 748753, 4127851;  
748764, 4127912; 748784, 4127941;  
748899, 4128013; 748933, 4128123;  
748917, 4128239; 748906, 4128277;  
748903, 4128379; 749002, 4128451;  
749005, 4128453; 749013, 4128457;  
749133, 4128508; 749363, 4128542;  
749410, 4128574; 749458, 4128596;  
749563, 4128739; 749591, 4128753;  
749672, 4128755; 749716, 4128734;  
749824, 4128725; 749886, 4128721;  
749963, 4128723; 750006, 4128700;  
750017, 4128694; 750239, 4128660;  
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750420, 4128760; 750506, 4128806;  
750609, 4128861; 750766, 4128953;  
750790, 4128977; 750848, 4129037;  
750909, 4129180; 750955, 4129261;  
751002, 4129402; 751004, 4129410;  
751053, 4129470; 751088, 4129488;  
751123, 4129507; 751191, 4129530;  
751299, 4129685; 751326, 4129693;  
751399, 4129700; 751400, 4129700;  
751410, 4129701; 751416, 4129705;  
751457, 4129733; 751560, 4129753;  
751654, 4129772; 751664, 4129785;  
751681, 4129794; 751693, 4129800;  
751700, 4129800; 751800, 4129800;  
753100, 4129800; returning to 754000,  
4129300.

(7) Note: Unit 2 (Map 2) follows:

BILLING CODE 4310-55-P

**Map 2. Vernal Pool Critical Habitat  
San Joaquin Orcutt Grass, Unit 2**



BILLING CODE 4310-55-C

(8) Unit 3: Madera County, California.

(i) Unit 3A: Madera County, California. From USGS 1:24,000

topographic quadrangle Kismet. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 766600, 4106300; 766600, 4105100; 764500,

4105000; 764500, 4105400; 764500, 4106200; 764500, 4106400; 764800, 4106300; 765200, 4106400; 765700, 4106500; 765900, 4106700; 766100,

4106700; 766100, 4106500; 766300, 4106400; returning to 766600, 4106300.

(ii) Unit 3B: Madera County, California. From USGS 1:24,000 topographic quadrangles Daulton, Little Table Mountain, Gregg, and Lanes Bridge. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 768068, 4107230; 768482, 4107223; 768510, 4107237; 768558, 4107312; 768603, 4107420; 768625, 4107444; 768663, 4107460; 768783, 4107434; 768930, 4107375; 769050, 4107290; 769225, 4107285; 769259, 4107274; 769313, 4107237; 769329, 4107230; 769367, 4107213; 769443, 4107216; 769756, 4107290; 770235, 4107165; 770356, 4107136; 771175, 4107264; 771213, 4107261; 771255, 4107237; 771273, 4107227; 771286, 4107215; 771517, 4107059; 771528, 4107056; 771815, 4106993; 772201, 4106696; 772325, 4106560; 772378, 4106500; 772399, 4106384; 772498, 4106310; 772661, 4106375; 772759, 4106385; 772826, 4106355; 772868, 4106337; 772940, 4106262; 773047, 4106226; 773125, 4106234; 773232, 4106319; 773424, 4106582; 773448, 4106601; 773630, 4106805; 773788, 4106934; 774007, 4106931; 774153, 4106987; 774208, 4106991; 774293, 4106979; 774346, 4106988; 774441, 4107034; 774571, 4107181; 774624, 4107185; 774644, 4107178; 774688, 4107162; 774730, 4107128; 774749, 4107108; 774795, 4107079; 774835, 4107052; 774846, 4107045; 774850, 4107042; 774860, 4107038; 774885, 4106988; 774910, 4106826; 774924, 4106643; 774919, 4106604; 774912, 4106536; 774917, 4106473; 774975, 4106381; 774999, 4106361; 775134, 4106205; 775285, 4106081; 775406, 4105942; 775604, 4105742; 775620, 4105713; 775682, 4105659; 775765, 4105623; 775948, 4105456; 775999, 4105450; 776120, 4105477; 776212, 4105561; 776272, 4105591; 776338, 4105583; 776404, 4105519; 776449, 4105460; 776460, 4105422; 776461, 4105333; 776454, 4105310; 776453, 4105259; 776440, 4105190; 776403, 4105067; 776342, 4104912; 776338, 4104874; 776344, 4104834; 776389, 4104794; 776390, 4104794; 776511, 4104930; 776669, 4105060; 776888, 4105057; 777034, 4105112; 777089, 4105117; 777174, 4105104; 777227, 4105114; 777322, 4105160; 777452, 4105307; 777505, 4105311; 777525, 4105303; 777569, 4105287; 777611, 4105253; 777630, 4105233; 777676, 4105204; 777716, 4105178; 777254, 4104608; 776860, 4104161; 777386, 4103739; 777417, 4103722; 777478, 4103724; 777556, 4103747; 777592, 4103745; 777628, 4103729; 777649,

4103704; 777655, 4103686; 777652, 4103610; 777595, 4103484; 777574, 4103361; 777542, 4103322; 777483, 4103277; 777424, 4103214; 777425, 4103166; 777452, 4103116; 777471, 4103096; 777503, 4103036; 777500, 4102977; 777455, 4102796; 777458, 4102704; 777472, 4102666; 777490, 4102639; 777701, 4102491; 777761, 4102460; 777902, 4102427; 778037, 4102384; 778066, 4102347; 778094, 4102274; 778118, 4102255; 778167, 4102239; 778212, 4102243; 778340, 4102295; 778379, 4102282; 778505, 4102141; 778562, 4102125; 778633, 4102132; 778720, 4102092; 778766, 4102096; 778798, 4102120; 778918, 4102254; 778976, 4102266; 778997, 4102264; 779059, 4102223; 779095, 4102209; 779762, 4102193; 779897, 4102172; 780079, 4102219; 780132, 4102236; 780185, 4102235; 780236, 4102217; 780360, 4102089; 780617, 4101823; 780666, 4101774; 780673, 4101764; 780682, 4101751; 780688, 4101743; 780713, 4101714; 780759, 4101634; 780761, 4101576; 780738, 4101514; 780687, 4101446; 780591, 4101336; 780514, 4101212; 780513, 4101163; 780527, 4101126; 780569, 4101089; 780939, 4100827; 781071, 4100686; 781076, 4100683; 781136, 4100645; 781561, 4100454; 781645, 4100459; 781800, 4100538; 781863, 4100561; 781925, 4100540; 781944, 4100528; 782075, 4100451; 782128, 4100455; 782347, 4100528; 782403, 4100533; 782429, 4100521; 782457, 4100499; 782535, 4100382; 782587, 4100338; 782809, 4100244; 782840, 4100222; 782884, 4100193; 782929, 4100075; 783072, 4099907; 783203, 4099779; 783268, 4099756; 783377, 4099744; 783662, 4099749; 783703, 4099735; 783743, 4099676; 783751, 4099641; 783755, 4099621; 783767, 4099609; 783768, 4099584; 783781, 4099548; 783795, 4099504; 783827, 4099471; 783858, 4099445; 783890, 4099424; 783916, 4099399; 783946, 4099382; 784056, 4099380; 784184, 4099372; 784246, 4099369; 784263, 4099375; 784300, 4099370; 784342, 4099377; 784378, 4099391; 784414, 4099405; 784438, 4099417; 784462, 4099430; 784493, 4099442; 784516, 4099445; 784536, 4099439; 784561, 4099422; 784574, 4099398; 784593, 4099356; 784601, 4099324; 784620, 4099288; 784627, 4099259; 784651, 4099241; 784652, 4099240; 784671, 4099217; 784701, 4099206; 784733, 4099188; 784758, 4099176; 784776, 4099164; 784801, 4099153; 784820, 4099143; 784845, 4099124; 784876, 4099102; 784907, 4099085; 784944, 4099056; 784970, 4099032; 784995, 4099006; 785020, 4098984; 785040,

4098960; 785046, 4098935; 785059, 4098917; 785060, 4098888; 785073, 4098858; 785074, 4098834; 785068, 4098801; 785061, 4098785; 785052, 4098764; 785041, 4098739; 785024, 4098708; 785006, 4098676; 784995, 4098640; 784978, 4098615; 784967, 4098591; 784960, 4098572; 784968, 4098548; 784993, 4098525; 785024, 4098508; 785062, 4098476; 785086, 4098473; 785117, 4098442; 785130, 4098431; 785143, 4098395; 785152, 4098345; 785159, 4098279; 785168, 4098231; 785176, 4098163; 785184, 4098120; 785184, 4098108; 785204, 4098054; 785220, 4097988; 785238, 4097931; 785246, 4097885; 785247, 4097853; 785237, 4097805; 785216, 4097736; 785199, 4097682; 785188, 4097625; 785182, 4097596; 785190, 4097576; 785209, 4097535; 785235, 4097499; 785266, 4097451; 785286, 4097422; 785312, 4097385; 785325, 4097349; 785320, 4097300; 785329, 4097245; 785330, 4097202; 785337, 4097165; 785350, 4097153; 785362, 4097142; 785387, 4097137; 785386, 4097154; 785380, 4097178; 785336, 4098764; 785334, 4098821; 785334, 4098823; 785383, 4098760; 785490, 4097063; 786070, 4097400; 786769, 4097444; 786801, 4096945; 786601, 4096933; 786208, 4096807; 786246, 4096208; 786258, 4096009; 785453, 4095958; 784661, 4095908; 784661, 4095908; 784662, 4094305; 784677, 4094305; 785061, 4094330; 785101, 4094332; 787557, 4094487; 787582, 4094088; 787609, 4093989; 787714, 4093594; 787976, 4092609; 787920, 4092305; 787895, 4092303; 787795, 4092297; 787821, 4091898; 787846, 4091900; 787827, 4091798; 785606, 4090455; 785662, 4091161; 785962, 4091179; 785955, 4091279; 786355, 4091304; 786336, 4091604; 786835, 4091635; 786785, 4092434; 785587, 4092359; 785561, 4092758; 785961, 4092783; 785936, 4093182; 785536, 4093157; 785524, 4093357; 785324, 4093344; 784925, 4093319; 784725, 4093306; 784687, 4093905; 784687, 4093905; 784681, 4094005; 780582, 4093847; 779783, 4093796; 776583, 4093695; 776463, 4095591; 776657, 4095704; 778160, 4095698; 778053, 4097395; 778858, 4097346; 778857, 4098949; 779656, 4099000; 779555, 4100597; 776348, 4100594; 776551, 4095797; 776451, 4095791; 773656, 4095615; 771760, 4095495; 771697, 4096493; 771652, 4098795; 773554, 4098815; 773553, 4100418; 769954, 4100291; 769935, 4100590; 771238, 4102176; 772086, 4103031; 772447, 4103655; 772896, 4104485; 772484, 4104659; 772378, 4104753; 772353, 4104745; 771985,

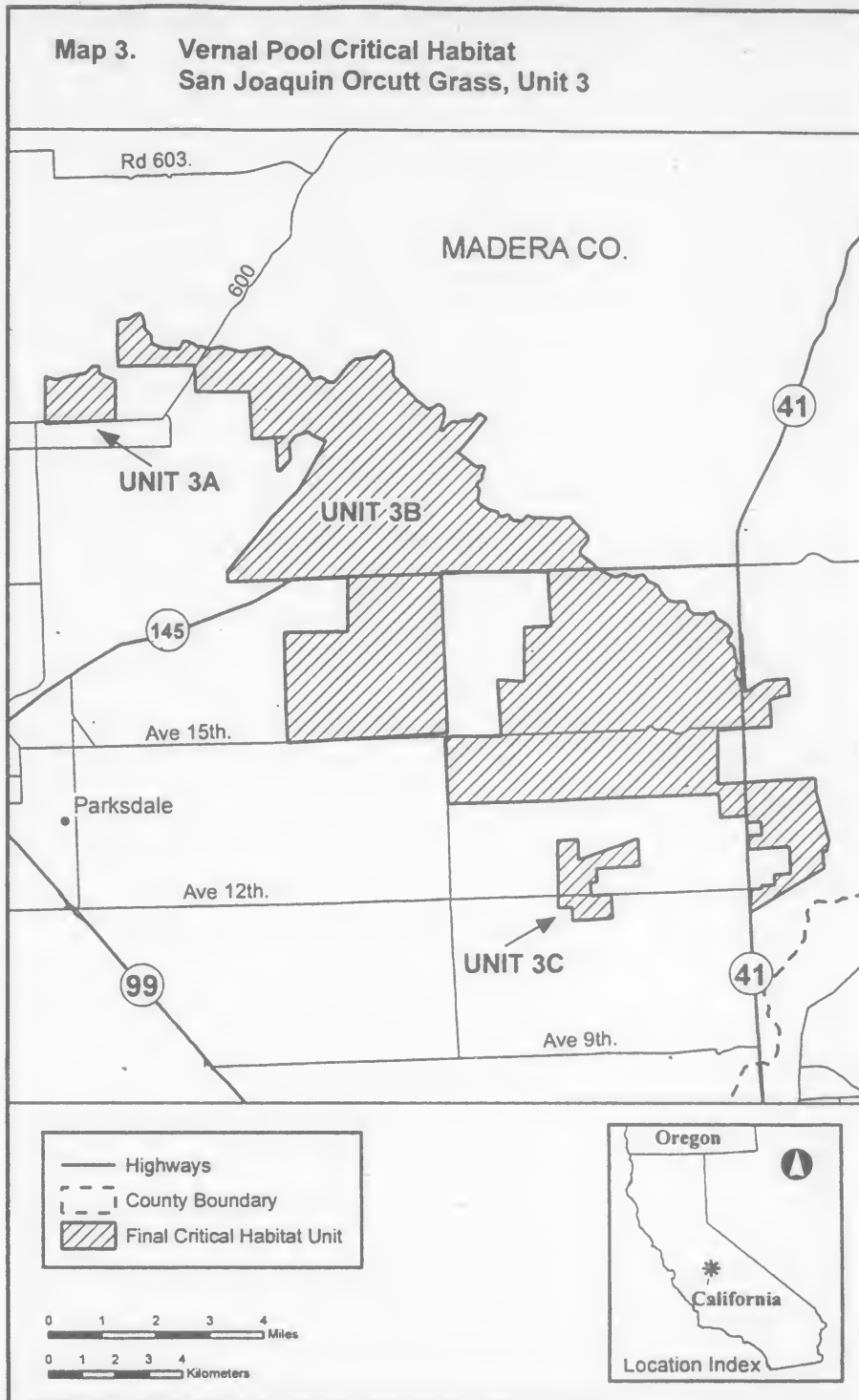
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4104490; 771386, 4104590; 771685,  
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4105943; 768996, 4105942; 768945,  
4106741; 766679, 4106696; 766679,  
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4106696; 766647, 4107100; 766654,  
4108020; 766655, 4108063; 766764,  
4108105; 766868, 4108114; 766916,  
4108115; 766952, 4108116; 766969,  
4108117; 767030, 4108139; 767056,

4108159; 767077, 4108174; 767121,  
4108207; 767181, 4108251; 767272,  
4108279; 767327, 4108281; 767379,  
4108260; 767397, 4108238; 767442,  
4108033; 767466, 4107846; 767496,  
4107799; 767643, 4107646; 767657,  
4107605; 767661, 4107533; 767663,  
4107481; 767684, 4107415; 767700,  
4107360; returning to 768068, 4107230.  
(iii) Unit 3C: Madera County,  
California. From USGS 1:24,000  
topographic quadrangle Lanes Bridge.  
Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):

782261, 4092650; 782311, 4091851;  
781014, 4091769; 781039, 4091370;  
780839, 4091358; 780864, 4090958;  
781463, 4090996; 781507, 4090298;  
780310, 4090222; 780284, 4090621;  
779885, 4090596; 779859, 4092599;  
780458, 4092637; 780496, 4092038;  
780889, 4092162; 781182, 4092281;  
781575, 4092406; 781868, 4092525;  
782161, 4092643; returning to 782261,  
4092650.

(iv) Note: Unit 3 (Map 3) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(9) Unit 4: Fresno County, California. From USGS 1:24,000 topographic quadrangle Friant. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 796160, 4093099; 796575, 4092951; 797274, 4092995; 797274, 4092995; 797318, 4092296;

797436, 4092003; 797168, 4091485; 796875, 4091366; 796301, 4090929; 796262, 4090975; 796072, 4091876; 796159, 4092137; 796200, 4092206;

796282, 4092261; 796330, 4092663;  
returning to 796160, 4093099.

(10) Unit 5: Madera County,  
California.

(i) Unit 5A: Madera County,  
California. From USGS 1:24,000  
topographic quadrangles North Fork and  
Millerton Lake East. Land bounded by  
the following UTM Zone 10, NAD 83  
coordinates (E,N): 804045, 4111166;  
804569, 4110798; 804807, 4110212;  
804938, 4109719; 804571, 4109194;  
803572, 4109131; 803260, 4109312;  
803222, 4109911; 803359, 4110922;  
802579, 4110572; 802254, 4110952;  
801755, 4110921; 801473, 4112206;  
801947, 4112637; 802009, 4113242;  
801391, 4113504; 801578, 4113716;  
801627, 4114521; 801820, 4114634;

803618, 4114748; 803836, 4114461;  
803787, 4113656; 802720, 4113087;  
802839, 4112794; 803158, 4112513;  
803788, 4112052; returning to 804045,  
4111166.

(ii) Unit 5B: Fresno County,  
California. From USGS 1:24,000  
topographic quadrangles Millerton Lake  
East and Academy. Land bounded by  
the following UTM Zone 10, NAD 83  
coordinates (E,N): 802663, 4106066;  
803207, 4105399; 803781, 4105836;  
803880, 4105842; 804343, 4104869;  
804150, 4104757; 803962, 4104544;  
803981, 4104245; 804206, 4103858;  
804331, 4103465; 804238, 4103359;  
803957, 4103040; 803171, 4102790;  
802073, 4102721; 801886, 4102509;

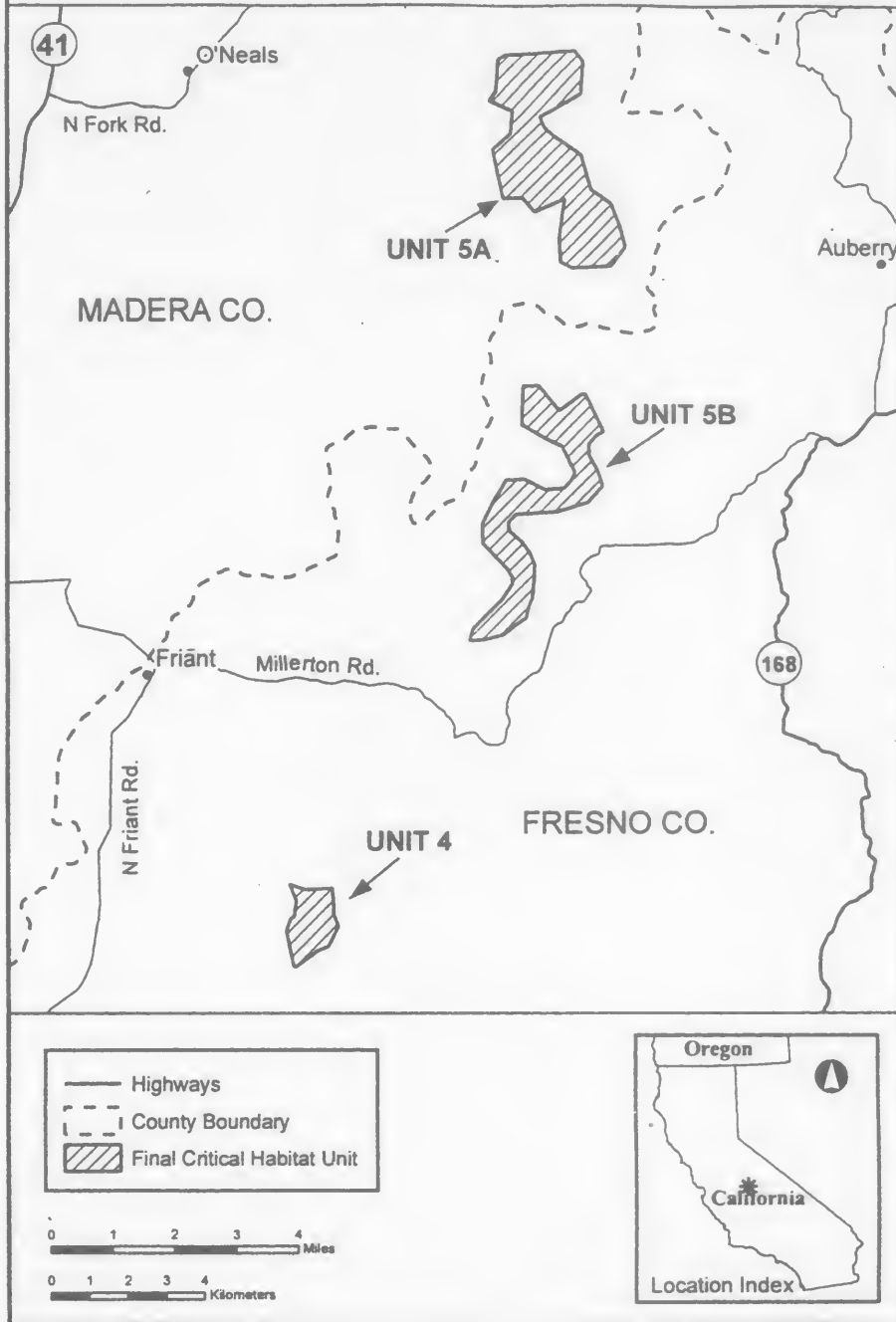
801898, 4102309; 802217, 4102028;  
802435, 4101741; 802554, 4101448;  
802573, 4101149; 802511, 4100543;  
802424, 4100337; 802343, 4100031;  
802056, 4099812; 801769, 4099594;  
801276, 4099463; 800877, 4099437;  
800958, 4099743; 801712, 4100492;  
801987, 4100911; 801974, 4101110;  
801862, 4101304; 801218, 4101965;  
801187, 4102464; 801455, 4102983;  
801816, 4103607; 802316, 4103638;  
802834, 4103370; 803333, 4103402;  
803520, 4103614; 803607, 4103820;  
803264, 4104500; 802852, 4104675;  
802227, 4105036; 802264, 4106041;  
returning to 802663, 4106066.

(iii) Note: Units 4-5 (Map 4) follow:

BILLING CODE 4310-55-P



**Map 4. Vernal Pool Critical Habitat  
San Joaquin Orcutt Grass, Unit 4, 5**



BILLING CODE 4310-55-C

(11) Unit 6: Tulare County, California.  
(i) Unit 6A: Tulare County, California.  
From USGS 1:24,000 topographic

quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 829566, 4043288; 829884, 4043007; 830383, 4043038;

830427, 4042339; 830827, 4042364; 830833, 4042264; 832028, 4042339; 832069, 4040937; 832106, 4039535; 832038, 4039531; 831991, 4039595;

831752, 4039679; 831748, 4039853; 832035, 4039864; 832031, 4039913; 831542, 4039901; 831281, 4039895; 831228, 4039894; 831226, 4040265; 830457, 4040256; 830432, 4040256; 830449, 4039621; 830453, 4039463; 830420, 4039230; 829721, 4039186; 829521, 4039174; 829509, 4039374; 828304, 4039399; 828279, 4039798; 827580, 4039755; 827605, 4039355; 827205, 4039330; 827280, 4038132; 826381, 4038076; 826400, 4037776; 825601, 4037726; 825582, 4038026; 824877, 4038082; 824846, 4038582; 826344, 4038675; 826313, 4039175; 825507, 4039225; 825445, 4040223; 827043, 4040323; 827100, 4041028; 828797, 4041134; 828810, 4040935; 829509, 4040978; 829634, 4040585; 830433, 4040634; 830383, 4041434; 829578, 4041484; returning to 829566, 4043288.

(ii) Unit 6B: Tulare County, California. From USGS 1:24,000 topographic quadrangle Monson. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 831258, 4037878; 830508, 4037831; 830507, 4037837; 830510, 4037837; 830495, 4038113; 830867, 4038116; 831249, 4038123; returning to 831258, 4037878.

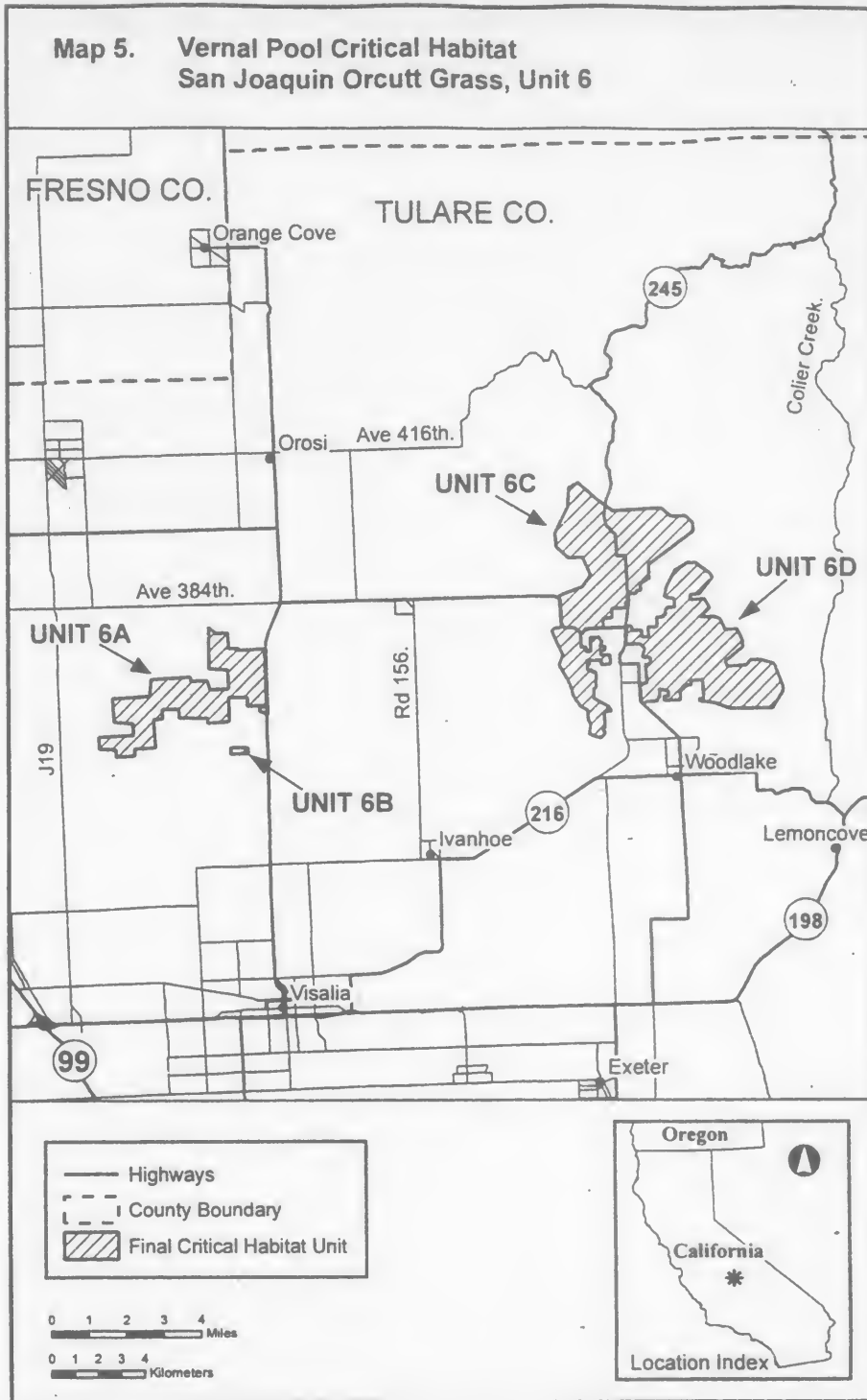
(iii) Unit 6C: Tulare County, California. From USGS 1:24,000 topographic quadrangle Ivanhoe. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 846274, 4048743; 846905, 4048281; 849003, 4048412; 849427, 4048037; 850027, 4048075; 850345, 4047794; 850370, 4047394; 849889, 4047064; 848453, 4045971; 848490, 4045371; 848103, 4045146; 848122, 4044847; 847922, 4044834; 847928, 4044734; 847529,

4044710; 847547, 4044410; 847454, 4044303; 847466, 4044104; 847266, 4044091; 846867, 4044066; 846892, 4043667; 846492, 4043642; 846517, 4043242; 845718, 4043192; 845630, 4042986; 845530, 4042980; 845568, 4042381; 845768, 4042393; 845780, 4042193; 845980, 4042206; 845942, 4042805; 846342, 4042830; 846348, 4042730; 846454, 4042637; 846367, 4042431; 846567, 4042443; 846579, 4042243; 846379, 4042230; 846392, 4042031; 846792, 4042056; 846816, 4041656; 846417, 4041631; 846404, 4041831; 845805, 4041794; 845811, 4041694; 845911, 4041700; 845917, 4041600; 845817, 4041594; 845830, 4041394; 846030, 4041406; 846036, 4041306; 846213, 4041318; 846179, 4040614; 846079, 4040607; 846104, 4040207; 846729, 4039845; 846841, 4039652; 846541, 4039633; 846585, 4038933; 846485, 4038927; 846491, 4038827; 846597, 4038734; 846410, 4038521; 846104, 4038603; 845898, 4038690; 845973, 4039096; 845861, 4039290; 845836, 4039689; 845524, 4039871; 845305, 4040158; 845193, 4040351; 845180, 4040551; 844949, 4041038; 844612, 4041619; 844787, 4042031; 844325, 4043005; 844319, 4043105; 844413, 4043211; 844612, 4043224; 844806, 4043336; 844700, 4043430; 844625, 4044628; 845605, 4044991; 845974, 4045515; 845624, 4046296; 845025, 4046258; 844494, 4046726; 844457, 4047326; 844988, 4048463; 845038, 4049268; 845425, 4049493; returning to 846274, 4048743.

(iv) Unit 6D: Tulare County, California. From USGS 1:24,000 topographic quadrangle Woodlake. Land bounded by the following UTM Zone

10, NAD 83 coordinates (E,N): 850239, 4044678; 850251, 4044478; 850851, 4044515; 851075, 4044128; 850701, 4043704; 851300, 4043741; 851506, 4043654; 851737, 4043166; 852237, 4043198; 852468, 4042711; 852487, 4042411; 851725, 4041761; 851837, 4041568; 852636, 4041618; 852824, 4041830; 853223, 4041855; 853835, 4041693; 854197, 4040712; 854210, 4040512; 853754, 4039782; 851949, 4039769; 851231, 4040025; 850625, 4040088; 850619, 4040188; 850819, 4040201; 850769, 4041000; 850269, 4040969; 850282, 4040769; 850082, 4040756; 849895, 4040544; 849795, 4040538; 849820, 4040138; 849120, 4040095; 849108, 4040294; 849308, 4040307; 849295, 4040507; 848889, 4040582; 848908, 4040282; 848814, 4040176; 848821, 4040076; 848321, 4040045; 848227, 4039939; 848121, 4040032; 848071, 4040832; 848371, 4040850; 848321, 4041649; 848521, 4041662; 848502, 4041962; 848203, 4041943; 848196, 4042043; 848278, 4042349; 848065, 4042536; 847466, 4042499; 847516, 4043304; 847716, 4043317; 847728, 4043117; 848128, 4043142; 848147, 4042842; 848446, 4042861; 848421, 4043261; 848821, 4043286; 848796, 4043685; 849096, 4043704; 849090, 4043804; 849190, 4043810; 849177, 4044010; 849271, 4044116; 849571, 4044135; 849546, 4044534; 849346, 4044522; 849140, 4044609; 849215, 4045015; 849215, 4045015; 849571, 4045739; 850151, 4046077; 850451, 4046096; 851082, 4045633; 851194, 4045440; 850638, 4044703; returning to 850239, 4044678.

(v) Note: Unit 6 (Map 5) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Family Poaceae: *Orcuttia pilosa* (Hairy Orcutt Grass)

(1) Critical habitat units are depicted for Butte, Fresno, Madera, Mariposa,

Merced, Stanislaus, and Tehama Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Orcuttia pilosa*

(hairy Orcutt grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and

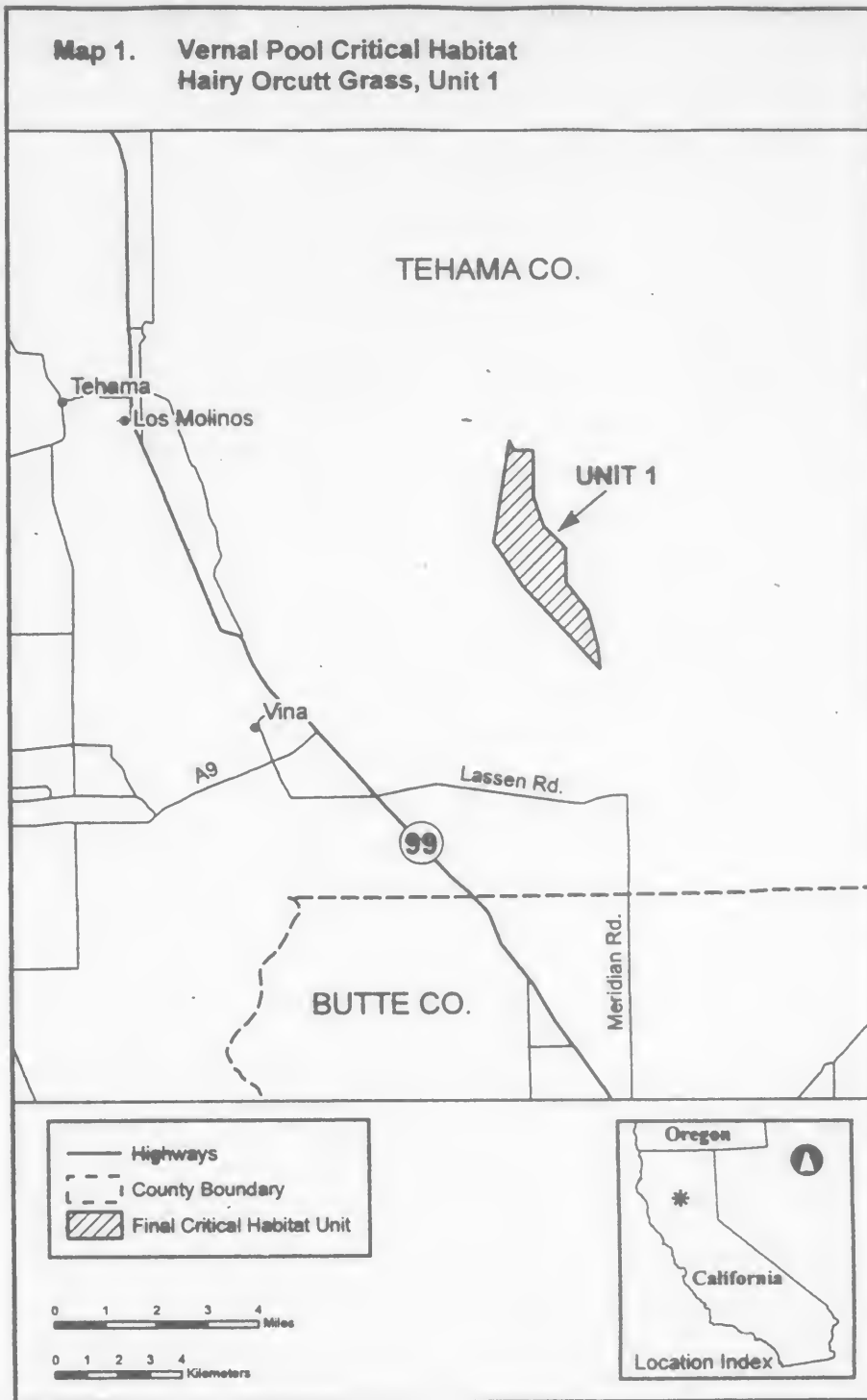
seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/

or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Tehama County, California. From USGS 1:24,000 topographic quadrangles Acorn Hollow and Richardson Springs NW. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 588213, 4426583; 588739, 4429822; 588900, 4429500; 589500, 4429500; 589500, 4428600; 589500, 4428000; 589800, 4427100; 590500, 4426400; 590500, 4425300; 591200, 4424400; 591500, 4423300; 591562, 4422558; 590526, 4423686; 589986, 4424273; 589816, 4424458; 589129, 4425207; 588454, 4426221; 588425, 4426265; 588279, 4426485; returning to 588213, 4426583.

(5) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

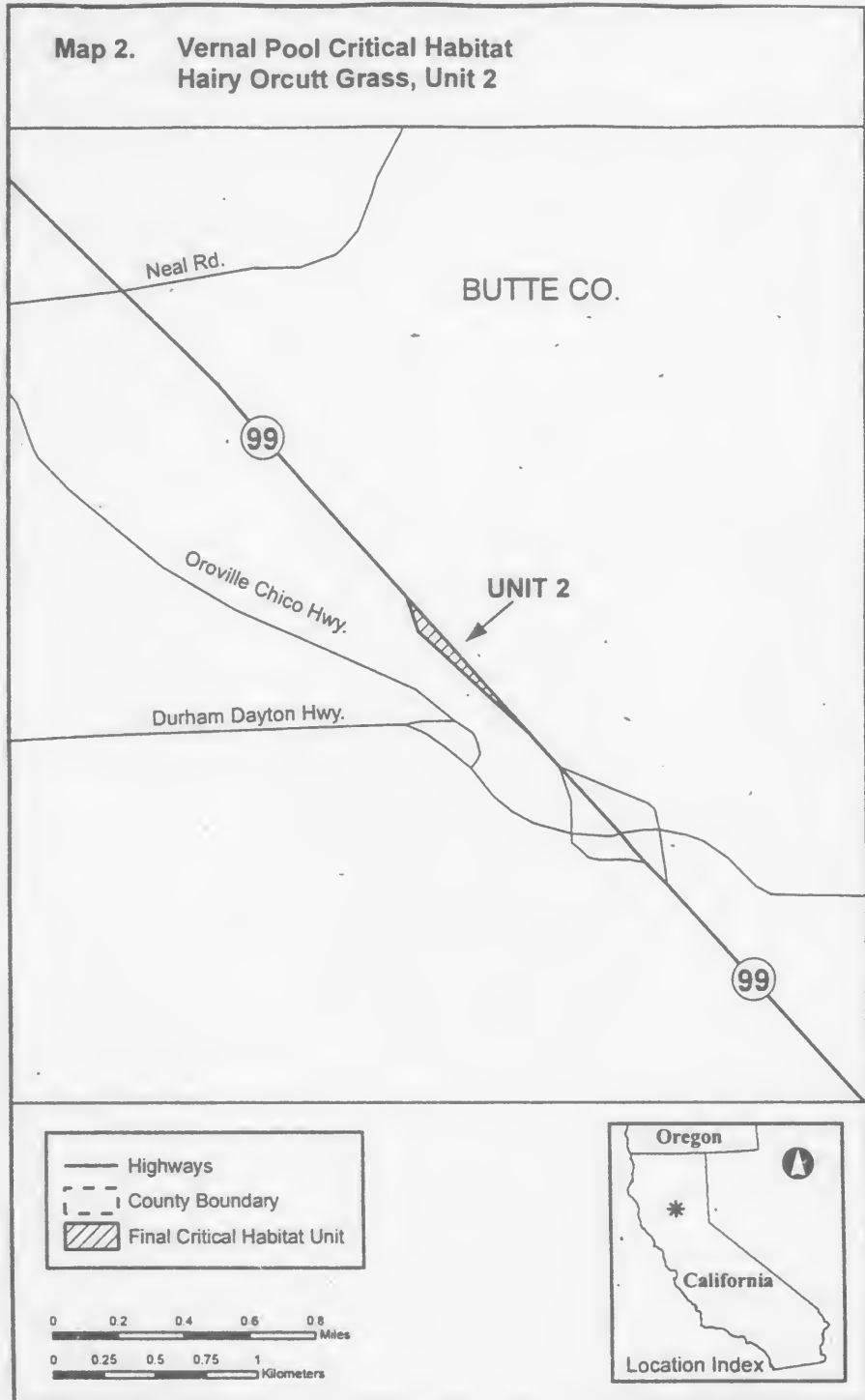
(6) Unit 2: Butte County, California.  
From USGS 1:24,000 topographic  
quadrangle Hamlin Canyon. Land

bounded by the following UTM Zone  
10, NAD 83 coordinates (E,N): 609736,  
4389313; 609200, 4389800; 609145,

4389965; 609391, 4389694; 609721,  
4389330; returning to 609736, 4389313.

(7) Note: Unit 2 (Map 2) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(8) Unit 4: Merced, Mariposa, and Stanislaus Counties, California.

(i) Unit 4A: Merced, Mariposa, and Stanislaus Counties, California. From USGS 1:24,000 topographic quadrangles Paulsell, Cooperstown, Le Grange, Montpelier, Turlock Lake, Snelling, and Merced Falls. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 725100, 4167900; 725300, 4167200; 726200, 4167100; 726500, 4166800; 726500, 4166600; 726727, 4166429; 727300, 4166000; 727700, 4165800; 729000, 4165800; 730100, 4165400; 730400, 4165100; 730500, 4164900; 730700, 4164100; 731300, 4164100; 731700, 4163800; 731800, 4163400; 732200, 4162800; 732200, 4162500; 732700, 4162700; 733000, 4162600; 733600, 4162100; 733700, 4161500; 733600, 4161000; 734600, 4160400; 734727, 4160273; 734800, 4160200; 734800, 4160135; 734800, 4159500; 734400, 4158700; 734300, 4158100; 734500, 4157900; 734700, 4158000; 734900, 4158300; 735000, 4158800; 735500, 4158800; 735505, 4158795; 735700, 4158600; 735674, 4158472; 735600, 4158100; 736171, 4157529; 736200, 4157500; 736800, 4157300; 736900, 4157100; 736900, 4156500; 736712, 4156500; 736300, 4156500; 736000, 4156300; 735500, 4156300; 734100, 4156900; 733400, 4157100; 731700, 4156900; 730900, 4156500; 728900, 4156600; 728700, 4156700; 728700, 4156800; 728600, 4156900; 728300, 4156900; 728100, 4156800; 727900, 4156800; 727100, 4156800; 726900, 4156600; 726700, 4156500; 726300, 4156500; 726100, 4156600; 725800, 4156500; 725600, 4156400; 725500, 4156300; 725400, 4156200; 725100, 4156100; 725000, 4156000; 724900, 4156000; 724800, 4156100; 724300, 4156100; 724300, 4155700; 723800, 4155700; 723900, 4155300; 723300, 4155400; 722700, 4155100; 722700, 4155400; 722300, 4155400; 722300, 4156800; 722900, 4156800; 722900, 4157400; 723500, 4157400; 723500, 4157000; 723700, 4157000; 723700, 4156900; 724300, 4156900; 724300, 4157400; 724200, 4157400; 724200, 4157400; 724100, 4158200; 723800, 4158200; 723700, 4159000; 722500, 4159000; 722500, 4159200; 722400, 4159200; 722300, 4159300; 722200, 4159300; 721600, 4159300; 721600, 4159500; 721500, 4159600; 721500, 4159800; 721600, 4159800; 721600, 4159900; 721700, 4159900; 721700, 4160500; 721100, 4160500; 721100, 4160100; 720800, 4160100; 720800, 4160500; 719500, 4160500; 719500, 4160300; 720060, 4159600; 719600, 4159600; 719600, 4159500; 719500, 4159500;

719400, 4159500; 719300, 4159400; 719100, 4159400; 719000, 4159400; 718900, 4159300; 718700, 4159100; 718600, 4159000; 718600, 4158900; 718400, 4158900; 718200, 4158800; 718200, 4158700; 718300, 4158600; 718400, 4158500; 718500, 4158500; 718600, 4158400; 718700, 4158400; 718900, 4158300; 719000, 4158100; 719000, 4157900; 718700, 4157600; 718000, 4157700; 717800, 4157400; 717900, 4157200; 718000, 4157000; 718400, 4157300; 718700, 4156700; 718700, 4156500; 717500, 4156300; 717500, 4156700; 717100, 4156700; 717100, 4156300; 716600, 4156300; 716600, 4155800; 716300, 4155700; 716200, 4155000; 715900, 4154900; 715900, 4155100; 715800, 4155200; 715800, 4155300; 715700, 4155400; 715600, 4155700; 715500, 4155800; 715400, 4155800; 715300, 4156600; 715400, 4156600; 715400, 4157200; 715400, 4157400; 715500, 4157400; 715500, 4157600; 717600, 4157600; 717600, 4157000; 718100, 4160200; 718200, 4160500; 718400, 4160800; 718700, 4161100; 716800, 4161100; 716800, 4160400; 715253, 4160400; 714900, 4160400; 714900, 4160900; 715000, 4160900; 715000, 4161000; 715200, 4161000; 715200, 4161100; 714400, 4161100; 714400, 4161200; 713700, 4161200; 713700, 4161100; 713300, 4161100; 713200, 4161200; 713100, 4161100; 713100, 4161000; 713400, 4160700; 713400, 4160600; 713600, 4160500; 713800, 4160800; 713900, 4160800; 714000, 4160700; 714000, 4160400; 711133, 4160301; 711100, 4161900; 709500, 4161900; 709500, 4163500; 707900, 4163100; 707900, 4163100; 707000, 4165600; 707400, 4165600; 707400, 4165800; 708700, 4166100; 706500, 4165800; 706200, 4166000; 706300, 4166300; 706200, 4166400; 706200, 4166500; 706300, 4166500; 706300, 4166700; 706200, 4166700; 706200, 4167100; 706500, 4167100; 706700, 4166700; 706800, 4166700; 706800, 4166300; 707000, 4166300; 707000, 4166100; 707200, 4166700; 707400, 4166700; 707800, 4166000; 707800, 4165600; 708000, 4165800; 708200, 4165800; 708400, 4165700; 708400, 4165500; 708200, 4165400; 708200, 4165300; 708300, 4165200; 708400, 4165200; 708500, 4165300; 708600, 4165400; 708800, 4165400; 709100, 4165100; 710200, 4165100; 710200, 4166400; 710100, 4166400; 710100, 4166500; 710000, 4166500; 709900, 4166500; 709900, 4166700; 709800, 4166700; 709800, 4167100; 710200, 4166800; 711000, 4167600; 711600, 4167800; 712400, 4167800; 712400, 4167300;

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721300, 4167700; 721700, 4167700;  
722000, 4167600; 722500, 4167600;  
722900, 4167500; 723300, 4167400;  
723000, 4168400; 723000, 4169200;  
723300, 4169700; 723800, 4169800;  
724100, 4169800; 724600, 4169200;  
724700, 4168300; returning to 725100,  
4167900.

(ii) Unit 4B: Stanislaus County,  
California. From USGS 1:24,000  
topographic quadrangles Paulsell and  
Montpelier. Land bounded by the

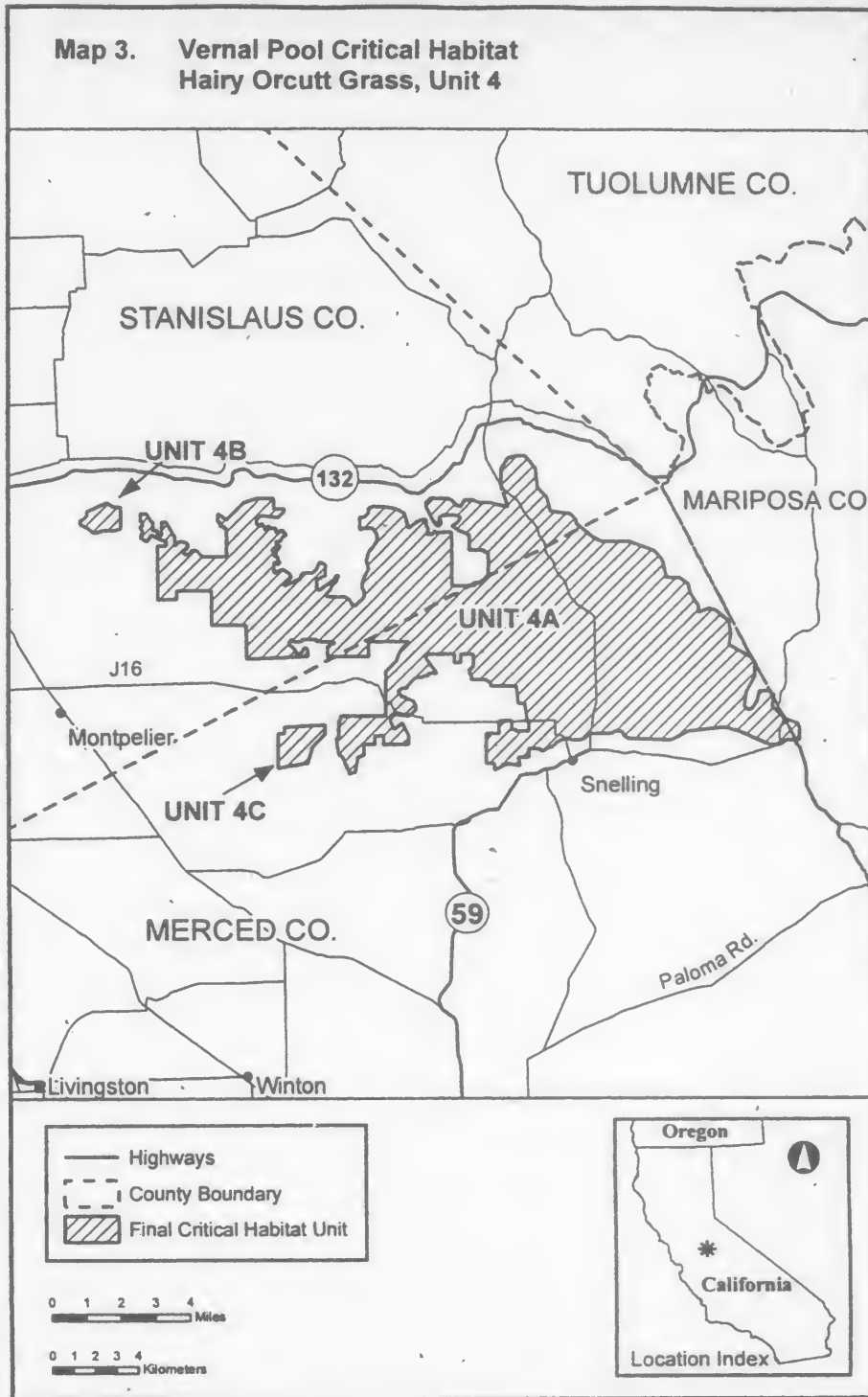
following UTM Zone 10, NAD 83  
coordinates (E,N): 704200, 4166200;  
704000, 4166200; 703800, 4166400;  
703400, 4166600; 703400, 4166800;  
703500, 4166800; 703600, 4166900;  
703700, 4167000; 703700, 4167200;  
704600, 4167600; 704700, 4167600;  
704800, 4167500; 705000, 4167400;  
705300, 4167400; 705300, 4166400;  
705000, 4166300; 704400, 4166300;  
returning to 704200, 4166200.

(iii) Unit 4C: Merced County,  
California. From USGS 1:24,000

topographic quadrangle Turlock Lake.  
Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
713800, 4155400; 712600, 4155200;  
712600, 4156800; 712900, 4156800;  
712900, 4157100; 714800, 4157200;  
714800, 4156800; 714300, 4156300;  
714200, 4156200; 714000, 4155500;  
714000, 4155400; returning to 713800,  
4155400.

(iv) Note: Unit 4 (Map 3) follows:  
BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(9) Unit 5: Madera County, California.

(i) Unit 5A: Madera County, California. From USGS 1:24,000

topographic quadrangle Daulton. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 767397, 4108238; 767442, 4108033; 767466,

4107846; 767496, 4107799; 767643, 4107646; 767657, 4107605; 767661, 4107533; 767663, 4107481; 767684, 4107415; 767700, 4107360; 768068,

4107230; 768482, 4107223; 768510, 4107237; 768558, 4107312; 768603, 4107420; 768625, 4107444; 768663, 4107460; 768783, 4107434; 768930, 4107375; 769050, 4107290; 769225, 4107285; 769259, 4107274; 769313, 4107237; 769329, 4107230; 769367, 4107213; 769443, 4107216; 769756, 4107290; 770235, 4107165; 770356, 4107136; 771175, 4107264; 771213, 4107261; 771255, 4107237; 771273, 4107227; 771286, 4107215; 771517, 4107059; 771528, 4107056; 771815, 4106993; 772201, 4106696; 772325, 4106560; 772378, 4106500; 772399, 4106384; 772498, 4106310; 772661, 4106375; 772759, 4106385; 772826, 4106355; 772868, 4106337; 772940, 4106262; 773047, 4106226; 773125, 4106234; 773232, 4106319; 773424, 4106582; 773448, 4106601; 773630, 4106805; 773788, 4106934; 774007, 4106931; 774153, 4106987; 774208, 4106991; 774293, 4106979; 774346, 4106988; 774441, 4107034; 774571, 4107181; 774624, 4107185; 774644, 4107178; 774688, 4107162; 774730, 4107128; 774749, 4107108; 774795, 4107079; 774835, 4107052; 774373, 4106482; 772896, 4104485; 772484, 4104659; 772378, 4104753; 772353, 4104745; 772066, 4104933; 772066, 4104934; 772066, 4104934; 771685, 4104609; 770687, 4104546; 770599, 4105943; 770592, 4106043; 770430, 4107035; 769419, 4107171; 769213, 4107259; 768315, 4107202; 767710, 4107264; 767247, 4108236; 767077, 4108174; 767121, 4108207; 767181, 4108251; 767272, 4108279; 767327, 4108281; 767379, 4108260; returning to 767397, 4108238.

(ii) Unit 5B: Madera County, California. From USGS 1:24,000 topographic quadrangle Daulton. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 766916, 4108115; 766654, 4108020; 766655, 4108063; 766764, 4108105; 766868, 4108114; returning to 766916, 4108115.

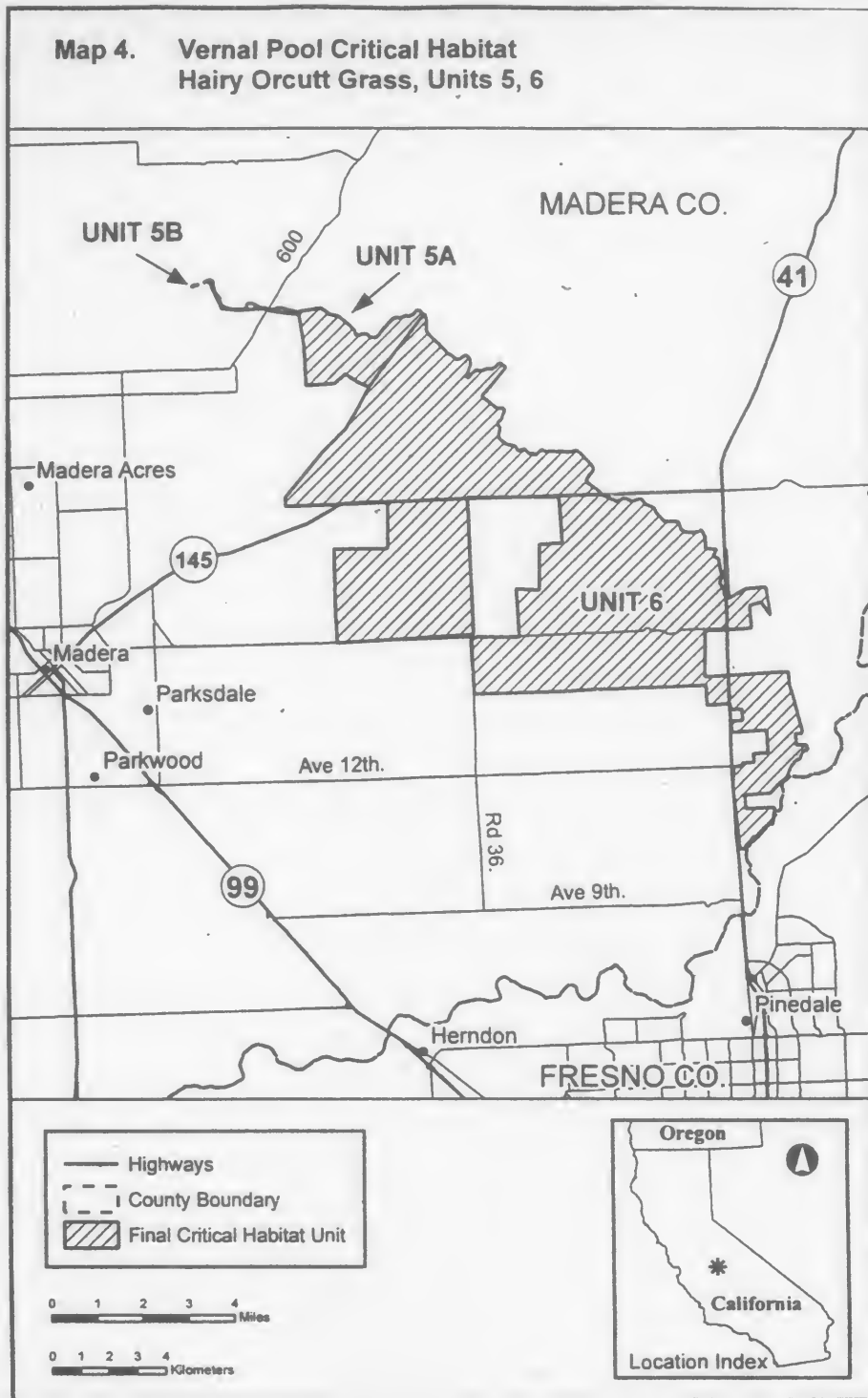
(10) Unit 6: Madera County, California. From USGS 1:24,000 topographic quadrangles Daulton, Little Table Mountain, Gregg, and Lanes Bridge. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 775948, 4105456; 775999, 4105450; 776120, 4105477; 776212, 4105561; 776272, 4105591; 776338, 4105583; 776404, 4105519; 776449, 4105460; 776460, 4105422; 776461, 4105333; 776454, 4105310; 776453, 4105259; 776440, 4105190; 776403, 4105067; 776342, 4104912; 776338, 4104874; 776344, 4104834; 776389, 4104794; 776390, 4104794; 776511, 4104930; 776669; 4105060; 776888, 4105057; 777034, 4105112; 777089, 4105117; 777174, 4105104; 777227, 4105114; 777322, 4105160; 777452, 4105307; 777505, 4105311; 777525, 4105303; 777569, 4105287; 777611, 4105253; 777630, 4105233; 777676, 4105204; 777716, 4105178; 777254, 4104608; 776860, 4104161; 777386, 4103739; 777417, 4103722; 777478, 4103724; 777556, 4103747; 777592, 4103745; 777628, 4103729; 777649, 4103704; 777655, 4103686; 777652, 4103610; 777595, 4103484; 777574, 4103361; 777542, 4103322; 777483, 4103277; 777424, 4103214; 777425, 4103166; 777452, 4103116; 777471, 4103096; 777503, 4103036; 777500, 4102977; 777455, 4102796; 777458, 4102704; 777472, 4102666; 777490, 4102639; 777701, 4102491; 777761, 4102460; 777902, 4102427; 778037, 4102384; 778066, 4102347; 778094, 4102274; 778118, 4102255; 778167, 4102239; 778212, 4102243; 778340, 4102295; 778379, 4102282; 778505, 4102141; 778562, 4102125; 778633, 4102132; 778720, 4102092; 778766, 4102096; 778798, 4102120; 778918, 4102254; 778976, 4102268; 778997, 4102264; 779059, 4102223; 779095, 4102209; 779762, 4102193; 779897, 4102172; 780079, 4102219; 780132, 4102236; 780185, 4102235; 780236, 4102217; 780360, 4102089; 780617, 4101823; 780666, 4101774; 780673, 4101764; 780682, 4101751; 780688, 4101743; 780713, 4101714; 780759, 4101634; 780761, 4101576; 780738, 4101514; 780687, 4101446; 780591, 4101336; 780514, 4101212; 780513, 4101163; 780527, 4101126; 780569, 4101089; 780939, 4100827; 781071, 4100686; 781076, 4100683; 781136, 4100645; 781561, 4100454; 781645, 4100459; 781800, 4100538; 781863, 4100561; 781925, 4100540; 781944, 4100528; 782075, 4100451; 782128, 4100455; 782347, 4100528; 782403, 4100533; 782429, 4100521; 782457, 4100499; 782535, 4100382; 782587, 4100338; 782809, 4100244; 782840, 4100222; 782884, 4100193; 782929, 4100075; 783072, 4099907; 783203, 4099779; 783268, 4099756; 783377, 4099744; 783662, 4099749; 783703, 4099735; 783743, 4099676; 783751, 4099641; 783755, 4099621; 783767, 4099609; 783768, 4099584; 783781, 4099548; 783795, 4099504; 783827, 4099471; 783858, 4099445; 783890, 4099424; 783916, 4099399; 783946, 4099382; 784056, 4099380; 784184, 4099372; 784246, 4099369; 784263, 4099375; 784300, 4099370; 784342, 4099377; 784378, 4099391; 784414, 4099405; 784438, 4099417; 784462, 4099430; 784493, 4099442; 784516, 4099445; 784536, 4099439; 784561, 4099422; 784574, 4099398; 784593, 4099356; 784601, 4099324; 784620, 4099288; 784627, 4099259; 784651, 4099241; 784678, 4098816; 785061, 4098785; 785052, 4098764; 785041, 4098739; 785024, 4098708; 785006, 4098676; 784995, 4098640; 784978, 4098615; 784967, 4098591; 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785101, 4094332; 787557, 4094487; 787582, 4094088; 787610, 4093989; 787745, 4093495; 788053, 4092376; 787995, 4092310; 787920, 4092305; 787895, 4092303; 787795, 4092297; 787821, 4091898; 787846, 4091900; 788178, 4091921; 788233, 4091723; 788133, 4091717; 788039, 4091611; 787952, 4091405; 787852, 4091399; 787759, 4091293; 787665, 4091186; 787578, 4090981; 787491, 4090775; 787204, 4090556; 786923, 4090238; 786025, 4090181; 786056, 4089682; 787054, 4089745; 787009, 4089307; 786993, 4089152; 786992, 4089140; 786981, 4089139; 786892, 4089134; 786795, 4089077; 786699, 4089021; 786512, 4088809; 786418, 4088703; 786319, 4088696; 786225, 4088590; 786131, 4088484; 786038, 4088378; 786044, 4088278; 785845, 4088266; 785606, 4090455; 785662, 4091161; 785962, 4091179; 785955, 4091279; 786355, 4091304; 786336, 4091604; 786835, 4091635; 786785, 4092434; 785587, 4092359; 785561, 4092758; 785961, 4092783; 785936, 4093182; 785536, 4093157; 785524, 4093357; 785324, 4093344; 784925, 4093319; 784725, 4093306; 784687, 4093905; 784687, 4093905; 784681, 4094005; 780582, 4093847; 779783, 4093796; 776583, 4093695; 776463,

4095591; 776657, 4095704; 778160,  
4095698; 778053, 4097395; 778858,  
4097346; 778857, 4098949; 779656,  
4099000; 779555, 4100597; 776348,  
4100594; 776551, 4095797; 776451,  
4095791; 773656, 4095615; 771760,  
4095495; 771697, 4096493; 771652,  
4098795; 773554, 4098815; 773553,

4100418; 769954, 4100291; 769935,  
4100590; 771238, 4102176; 772086,  
4103031; 772447, 4103655; 772896,  
4104485; 774373, 4106482; 774835,  
4107052; 774846, 4107045; 774850,  
4107042; 774860, 4107038; 774885,  
4106988; 774910, 4106826; 774924,  
4106643; 774919, 4106604; 774912,

4106536; 774917, 4106473; 774975,  
4106381; 774999, 4106361; 775134,  
4106205; 775285, 4106081; 775406,  
4105942; 775604, 4105742; 775620,  
4105713; 775682, 4105659; 775765,  
4105623; returning to 775948, 4105456.

(11) Note: Units 5-6 (Map 4) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Family Poaceae: *Orcuttia tenuis*  
(Slender Orcutt Grass)

(1) Critical habitat units are depicted  
for Lake, Lassen, Modoc, Plumas,

Sacramento, Shasta, Siskiyou, and  
Tehama Counties, California, on the  
maps below.

(2) The primary constituent elements of critical habitat for *Orcuttia tenuis* (slender Orcutt grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

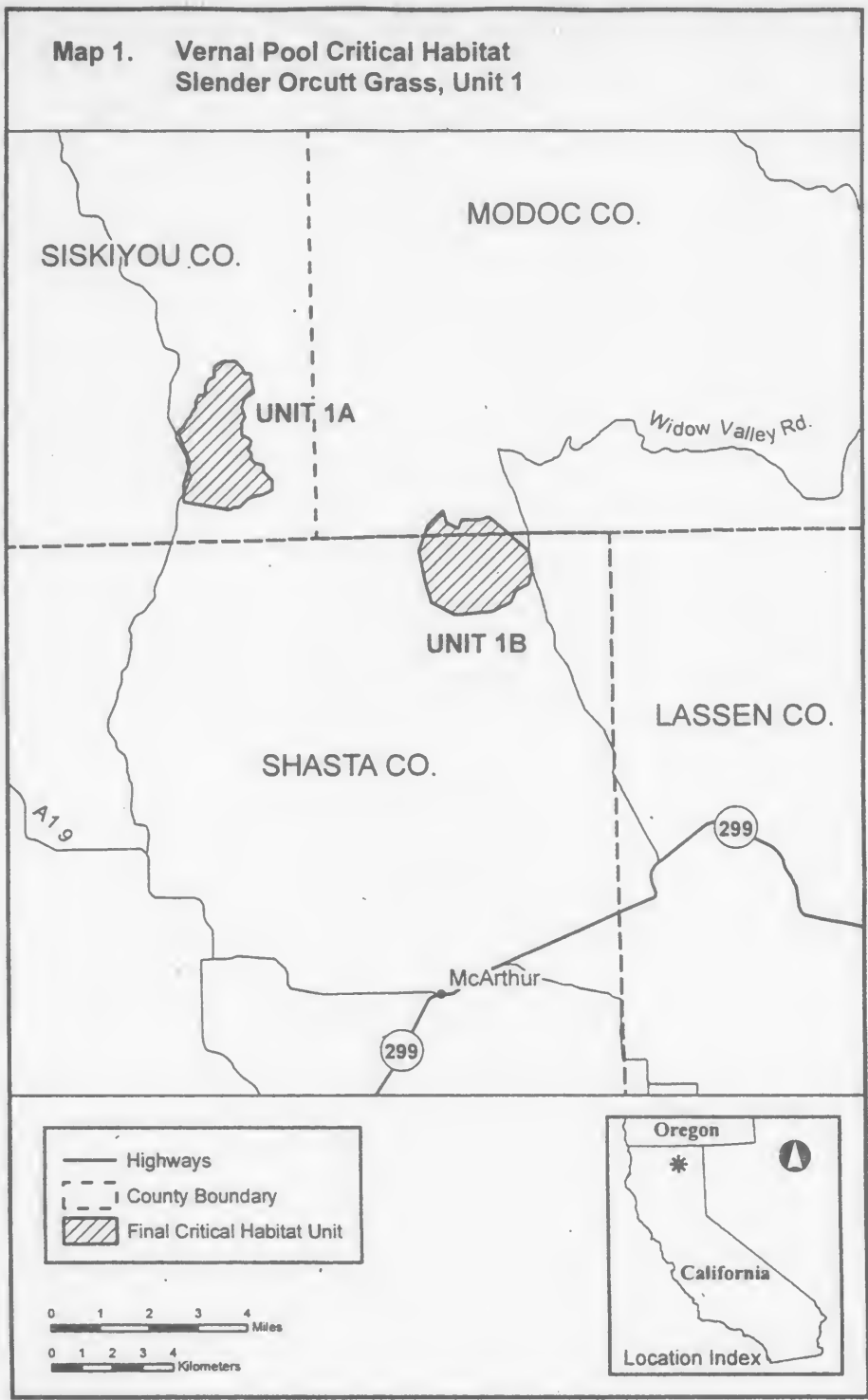
(4) Unit 1: Siskiyou County, California.

(i) Unit 1A: Siskiyou County, California. From USGS 1:24,000 scale quadrangle Timbered Crater. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 627900, 4566000; 628000, 4565800; 628200, 4565800; 628200, 4565600; 628300, 4565200; 628000, 4565000; 627900, 4564700; 628000, 4564400; 627900, 4564200; 627900, 4564000; 627900, 4563800; 628100, 4563700; 628200, 4563600; 628100, 4563300; 628200, 4563200; 628200, 4563000; 628300, 4562900; 628600, 4562800; 628600, 4562600; 628700, 4562500; 628900, 4562300; 628900, 4562000; 628700, 4561900; 628500, 4561800; 628400, 4561800; 628100, 4561700; 628000,

4561600; 627900, 4561500; 627800, 4561400; 627600, 4561400; 627530, 4561330; 626000, 4561600; 626000, 4562200; 626200, 4562900; 625811, 4563911; 626000, 4564100; 626100, 4564300; 626200, 4564400; 626300, 4564600; 626400, 4564700; 626400, 4564900; 626500, 4565100; 626700, 4565100; 626700, 4565400; 626800, 4565600; 627000, 4565700; 627000, 4566000; 627100, 4566100; 627300, 4566200; 627500, 4566200; 627700, 4566200; 627800, 4566100; returning to 627900, 4566000.

(ii) Unit 1B: Modoc and Shasta Counties, California. From USGS 1:24,000 scale quadrangles Day and Timbered Crater. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 634600, 4560900; 635000, 4560700; 635100, 4561000; 635700, 4561000; 635996, 4561099; 636652, 4560546; 637300, 4560000; 637400, 4559300; 637300, 4558900; 636900, 4558700; 636700, 4558300; 636100, 4558000; 634900, 4557900; 634100, 4558300; 633900, 4559000; 633700, 4560000; 633879, 4560476; 634000, 4560800; 634500, 4561300; returning to 634600, 4560900.

(iii) Note: Units 1A-1B (Map 1) follow:  
BILLING CODE 4319-55-P



BILLING CODE 4310-55-C

(iv) Unit 1C: Shasta County, California. From USGS 1:24,000 scale quadrangles Dana and Burney Falls.

Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N):  
 616900, 4549000; 616800, 4549000;  
 615900, 4549500; 615700, 4549800;

615600, 4549900; 615600, 4550000;  
 615500, 4550100; 615400, 4550200;  
 615300, 4550400; 615300, 4550600;  
 615600, 4550700; 615900, 4550700;

616200, 4550500; 616400, 4550300;  
616700, 4550100; 616800, 4549800;  
617000, 4549400; 617100, 4549100;  
returning to 616900, 4549000.

(v) Unit 1D: Shasta County, California.

From USGS 1:24,000 scale quadrangle  
Burney. Land bounded by the following  
UTM Zone 10, NAD 83 coordinates  
(E,N): 613000, 4536500; 613000,

4536200; 612800, 4536000; 612700,  
4536000; 612600, 4536100; 612600,  
4536200; 612500, 4536300; 612500,  
4536500; 612300, 4536500; 612300,  
4536700; 612300, 4537100; 612500,  
4537400; 612500, 4537600; 612600,  
4537700; 612700, 4537700; 612900,  
4537800; 613000, 4537900; 613000,  
4538100; 612900, 4538300; 612900,  
4538500; 613000, 4538600; 613100,  
4538800; 613400, 4538900; 613600,  
4539000; 613700, 4539100; 613800,  
4539100; 613900, 4539100; 614000,

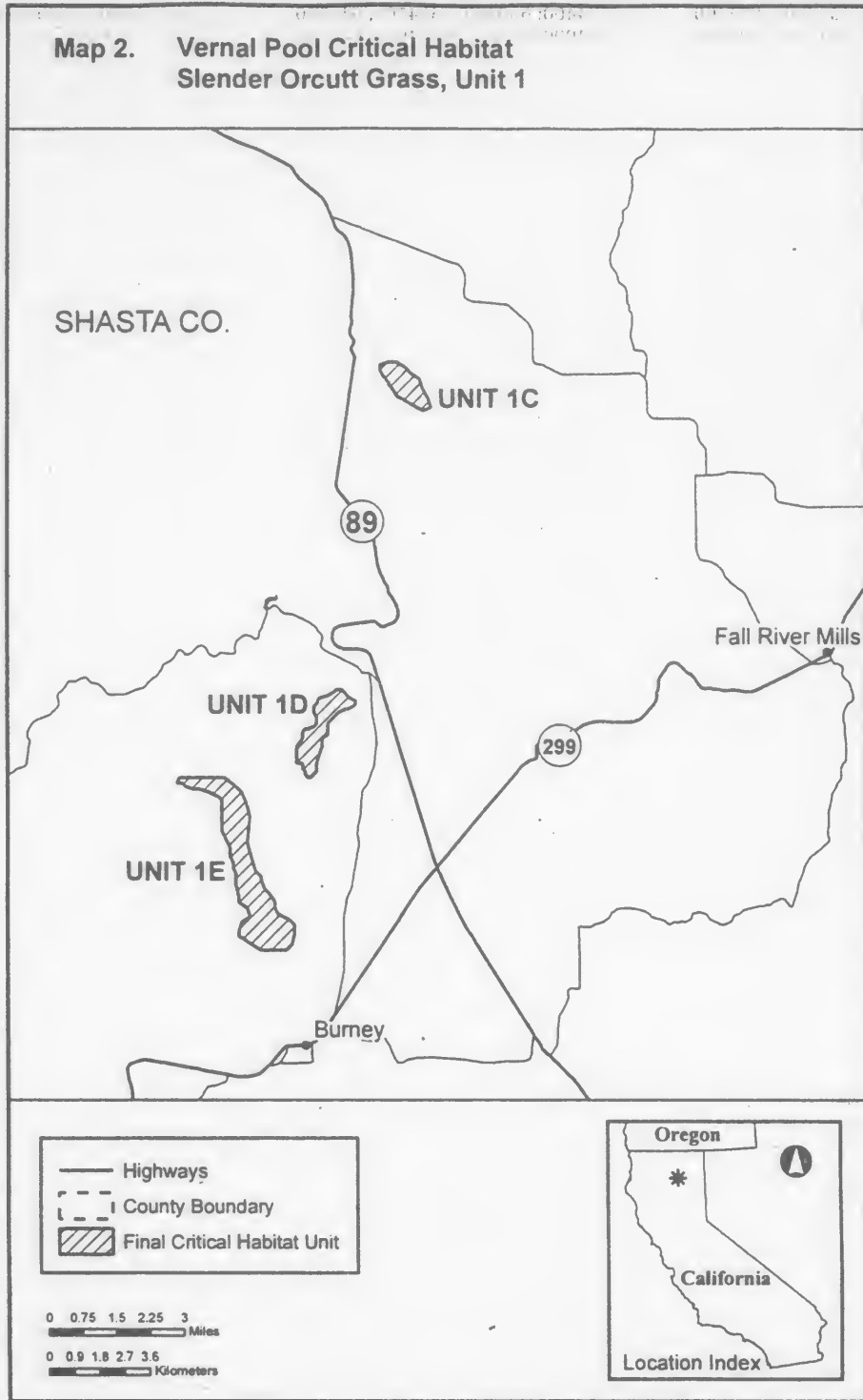
4539000; 614100, 4538900; 614200,  
4538800; 614400, 4538700; 614400,  
4538600; 614300, 4538500; 614100,  
4538400; 614000, 4538400; 613800,  
4538300; 613600, 4538100; 613400,  
4537900; 613400, 4537700; 613400,  
4537500; 613200, 4537400; 613200,  
4537100; 613100, 4536800; returning to  
613000, 4536500.

(vi) Unit 1E: Shasta County,  
California. From USGS 1:24,000 scale  
quadrangle Burney. Land bounded by  
the following UTM Zone 10, NAD 83  
coordinates (E,N): 609700, 4536000;  
610300, 4535500; 610500, 4535000;  
610600, 4534600; 610500, 4533700;  
610800, 4532700; 611000, 4532500;  
611000, 4532400; 611100, 4532100;  
611300, 4531900; 611500, 4531600;  
611500, 4531400; 611600, 4531200;  
611800, 4531100; 612000, 4531000;  
612200, 4530800; 612200, 4530500;

612100, 4530100; 611900, 4529900;  
611700, 4529900; 611500, 4529900;  
611000, 4529900; 610500, 4530200;  
610400, 4530300; 610200, 4530400;  
610200, 4530600; 610300, 4530900;  
610600, 4531100; 610500, 4531400;  
610200, 4531600; 610200, 4531800;  
610100, 4532200; 610100, 4532600;  
610000, 4532800; 610000, 4533000;  
609900, 4533200; 609900, 4533500;  
609700, 4533900; 609600, 4534100;  
609600, 4534300; 609600, 4534600;  
609600, 4534800; 609600, 4535200;  
609500, 4535300; 609300, 4535400;  
609100, 4535500; 608800, 4535600;  
608600, 4535600; 608300, 4535700;  
608200, 4535800; 608000, 4535800;  
608100, 4536000; returning to 609700,  
4536000.

(vii) Note: Units 1C-1E (Map 2) follow:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(viii) 1F: Shasta County, California. From USGS 1:24,000 scale quadrangles Murken Bench and Old Station. Land

bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 636000, 4513100; 636000, 4512800; 636000, 4512400; 635600, 4512100; 635500,

4511700; 635500, 4511400; 635400, 4511200; 635100, 4510900; 634800, 4510800; 634600, 4511200; 634400, 4511400; 634600, 4512400; 634200,



4512800; 634300, 4513000; 634400, 4512900; 634800, 4512900; 635100, 4513200; 635800, 4513200; returning to 636000, 4513100.

(ix) Unit 1G: Shasta and Lassen Counties, California. From USGS 1:24,000 scale quadrangle Swain's Hole. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 643400, 4503600; 644000, 4503500; 644100, 4503500; 644200, 4503400; 644400, 4503300; 645000, 4503400; 645200, 4503200; 645200, 4502900; 645500, 4502200; 645500, 4501700; 645300, 4501300; 645300, 4500600; 645200, 4500200; 644800, 4500100; 644300, 4500300; 643500, 4500400; 642400, 4500800; 641861, 4501219; 641500, 4501500; 641200, 4502700; 641300, 4502900; 641600, 4502900; 641700, 4503100; 641834, 4503100; 642100, 4503100; 642100, 4503200; 642500, 4503300; 642700, 4503300; 643000, 4503400; 643200, 4503500; returning to 643400, 4503600.

(x) Unit 1H: Lassen County, California. From USGS 1:24,000 scale quadrangles Swain's Hold and Poison Lake. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 651500, 4507600; 651800, 4506500; 652200, 4505700; 651700, 4504900; 651500, 4505100; 650800,

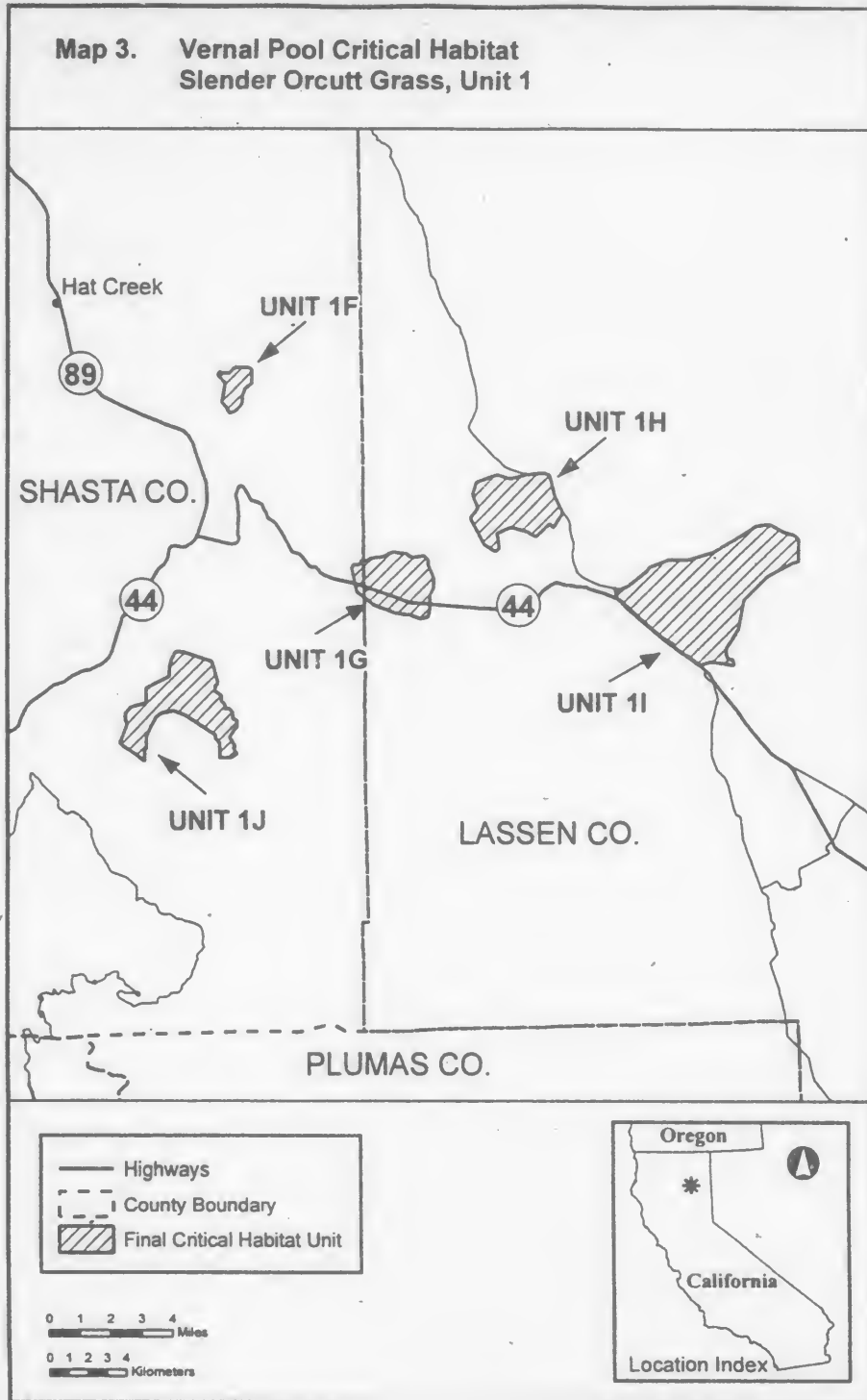
4504400; 650300, 4504700; 649500, 4504900; 648800, 4504600; 648900, 4503800; 648700, 4503600; 648100, 4504000; 647400, 4505400; 647800, 4505900; 647500, 4506600; 647700, 4507200; 648800, 4507600; 649500, 4507400; 650300, 4507600; 651200, 4507700; returning to 651500, 4507600.

(xi) Unit 1I: Lassen County, California. From USGS 1:24,000 scale quadrangles Harvey Mountain, Poison Lake, Pine Creek Valley and Bogard Buttes. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 662800, 4502300; 661600, 4501100; 661300, 4499600; 660800, 4498800; 660700, 4498600; 660700, 4498200; 660800, 4498000; 661000, 4498000; 661100, 4497700; 659900, 4497900; 659300, 4497700; 657500, 4499000; 655500, 4500700; 655000, 4501200; 654900, 4501700; 655100, 4501600; 655600, 4501800; 656600, 4502600; 656700, 4502800; 657700, 4503200; 658700, 4503200; 660000, 4503600; 661300, 4504400; 662200, 4505000; 662900, 4505100; 663600, 4504700; 664200, 4504500; 664400, 4504300; 664400, 4503100; 664100, 4503000; returning to 662800, 4502300.

(xii) Unit 1J: Shasta County, California. From USGS 1:24,000 scale quadrangles Old Station and West

Prospect Peak. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 634600, 4495600; 634600, 4495400; 634800, 4495400; 635000, 4495200; 635000, 4494900; 635200, 4494800; 635200, 4494500; 635100, 4494400; 634800, 4494000; 635100, 4493500; 635000, 4493400; 635200, 4493100; 634900, 4492900; 634300, 4492900; 634300, 4493700; 634100, 4493900; 634100, 4494100; 633600, 4494400; 632500, 4495100; 631900, 4495300; 631300, 4495200; 631000, 4495000; 630700, 4494500; 630500, 4494000; 630500, 4493400; 630400, 4493300; 630400, 4492700; 629900, 4493100; 629300, 4493500; 629100, 4493700; 629300, 4494200; 629500, 4494700; 629400, 4494800; 629400, 4495200; 629700, 4495500; 630500, 4495700; 630500, 4496500; 631700, 4497100; 631700, 4497600; 631800, 4498000; 631900, 4498200; 632000, 4498400; 632100, 4498400; 632400, 4498400; 633900, 4497900; 634200, 4496800; 634200, 4496700; 634100, 4496600; 634100, 4496300; 634400, 4496100; 634400, 4495800; returning to 634600, 4495600.

(xiii) Note: Units 1F-1J (Map 3) follow:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(xiv) Unit 1K: Plumas County, California. From USGS 1:24,000 scale quadrangle Almanor. Land bounded by

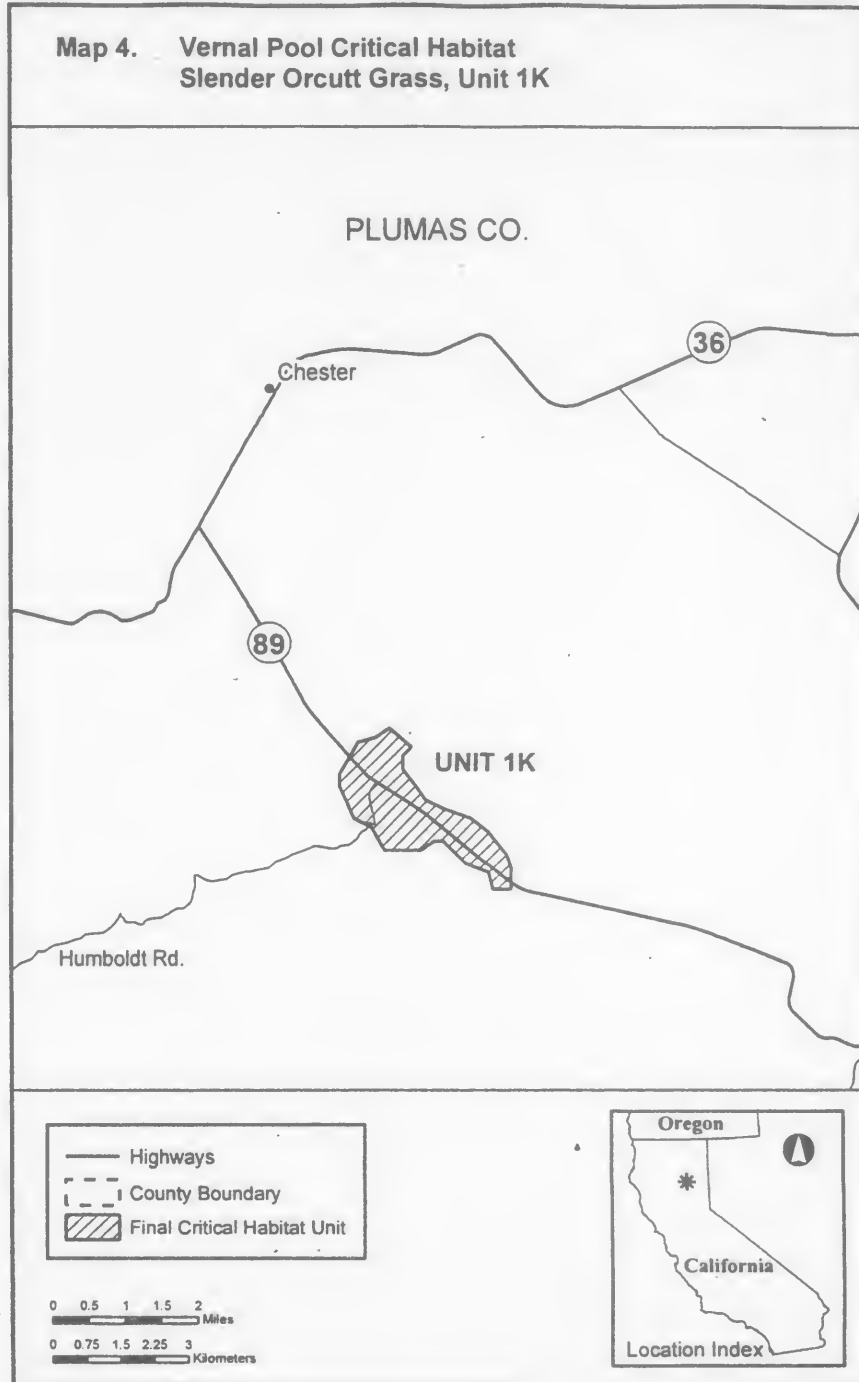
the following UTM Zone 10, NAD 83 coordinates (E,N): 654900, 4453400; 655300, 4452900; 655400, 4452600; 655400, 4452100; 655000, 4452100;

654900, 4452500; 654400, 4452700; 654100, 4453000; 653900, 4453200; 653700, 4453200; 653400, 4453000; 652600, 4453000; 652300, 4453500;

651900, 4453700; 651600, 4454400;  
 651600, 4454700; 652000, 4455400;  
 652400, 4455500; 652700, 4455700;  
 653200, 4455300; 653000, 4455100;

653000, 4454800; 653300, 4454400;  
 653500, 4454100; 653900, 4453900;  
 654500, 4453700; returning to 654900,  
 4453400.

(xv) Note: Unit 1K (Map 4) follows:  
 BILLING CODE 4310-55-P



(5) Unit 2: Shasta County, California.

(i) Unit 2A: Shasta County, California.

From USGS 1:24,000 scale quadrangle Enterprise. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 559200, 4490200; 559200, 4490000; 559400, 4489800; 559400, 4489300; 559200, 4489000; 558800, 4488900; 558500, 4488900; 558000, 4489000; 558000, 4489800; 558100, 4489800; 558300, 4489900; 558200, 4490100; 558000, 4490100; 558000, 4490500; 558000, 4491016; 558316, 4490822; 558323, 4490817; 558674, 4490603; 558717, 4490577; 558791, 4490532; 558987, 4490411; 559000, 4490405; 559000, 4490400; returning to 559200, 4490200.

(ii) Unit 2B: Shasta County, California. From USGS 1:24,000 scale quadrangles Enterprise and Cottonwood. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 559000, 4486800; 559000, 4484000; 559300, 4484000; 559300, 4483900; 559500, 4483900; 559800, 4483600; 560700, 4483600; 560900, 4483500; 560500, 4483500; 560500, 4482600; 560100, 4482500; 559900, 4482500; 559900, 4482000; 559400, 4482000; 558900, 4482400; 558900, 4482900; 558900, 4483600;

558300, 4483600; 558200, 4483900; 558200, 4484500; 558000, 4484800; 558000, 4485100; 558000, 4485300; 557800, 4485600; 557600, 4485900; 557300, 4486100; 557300, 4487400; 559000, 4487400; returning to 559000, 4486800.

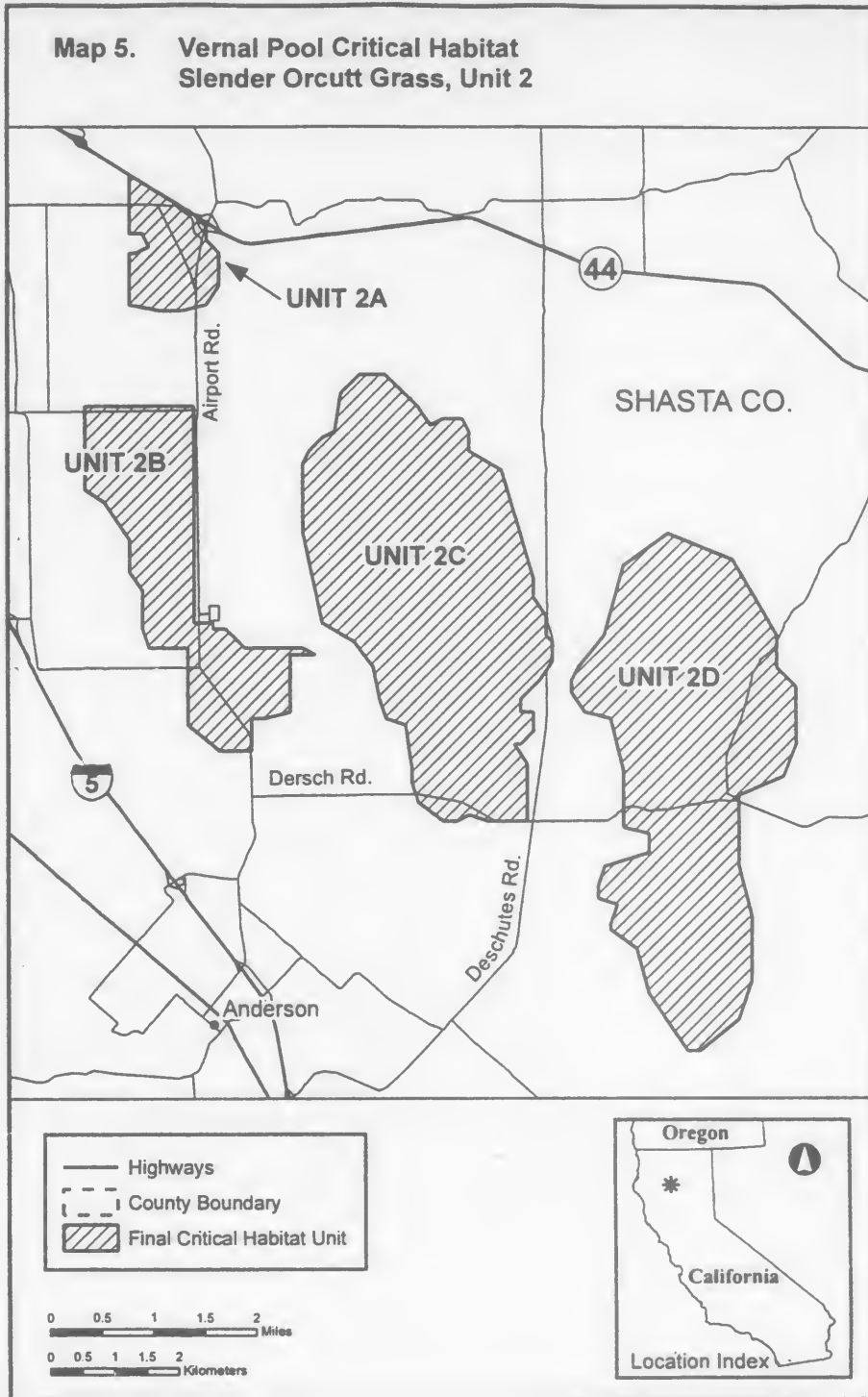
(iii) Unit 2C: Shasta County, California. From USGS 1:24,000 scale quadrangles Palo Cedro, Enterprise, Balls Ferry and Cottonwood. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 562500, 4487400; 562700, 4487100; 562900, 4487200; 563200, 4487200; 563300, 4487000; 563300, 4486700; 563800, 4486400; 564300, 4484700; 564300, 4484400; 564500, 4484100; 564500, 4483800; 564600, 4483700; 564600, 4483400; 564400, 4483100; 564100, 4482800; 564100, 4482600; 564300, 4482600; 564300, 4482400; 564300, 4482300; 564200, 4482200; 564100, 4482100; 564000, 4482100; 564200, 4481800; 564200, 4480900; 563600, 4480900; 563300, 4481000; 563100, 4480900; 562900, 4480900; 562500, 4481200; 562400, 4481500; 562400, 4481700; 562300, 4482400; 562000, 4482500; 561900, 4482800; 561800, 4483300; 561500, 4483700; 561000, 4484000; 560700, 4485400; 560700,

4486500; 560800, 4486700; 561000, 4486900; 561200, 4487000; 561300, 4487600; 561600, 4487900; 562000, 4487900; returning to 562500, 4487400.

(iv) Unit 2D: Shasta County, California. From USGS 1:24,000 scale quadrangle Palo Cedro and Balls Ferry. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 566900, 4477300; 566700, 4477300; 566100, 4478200; 565900, 4478900; 565500, 4479200; 565500, 4479300; 565600, 4479600; 565300, 4479700; 565300, 4479900; 565400, 4480200; 566100, 4480400; 566100, 4480700; 565700, 4480800; 565700, 4481000; 565700, 4481300; 565700, 4481700; 565500, 4482500; 565100, 4482600; 564900, 4482900; 564900, 4483100; 565000, 4483300; 565400, 4483800; 565700, 4484900; 566400, 4485400; 567400, 4485000; 568100, 4483800; 568100, 4483300; 568400, 4483000; 568400, 4482100; 568200, 4481600; 567500, 4481300; 567500, 4480200; 567700, 4479400; 567700, 4478400; 567500, 4477800; returning to 566900, 4477300.

(v) Note: Unit 2 (Map 5) follows:

BILLING CODE 4310-55-P



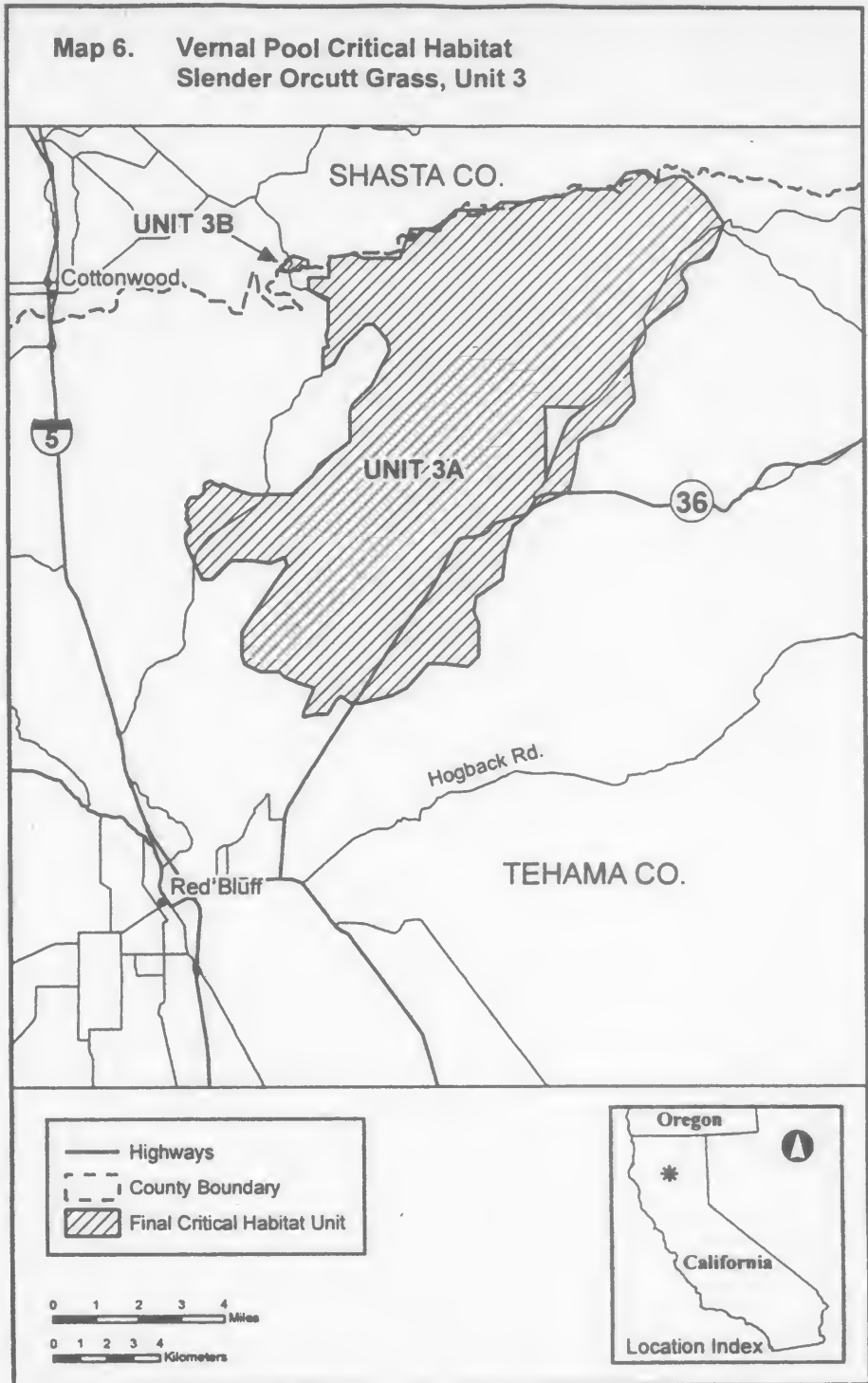
BILLING CODE 4310-55-C

(6) Unit 3: Shasta and Tehama Counties, California.

(i) Unit 3A: Shasta and Tehama Counties, California. From USGS 1:24,000 scale quadrangles Shingletown, Tuscan Buttes NE, Balls Ferry, Dales,

Bend and Red Bluff East. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 583610, 4475072; 583700, 4475000; 584200, 4475200;

584600, 4475200; 585400, 4474500;  
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 585800, 4472600; 585500, 4472100;  
 584800, 4471900; 584500, 4471600;  
 584500, 4471400; 584700, 4471100;  
 584700, 4470800; 584500, 4470500;  
 583400, 4469700; 583100, 4469400;  
 582600, 4468500; 582600, 4467600;  
 582700, 4466900; 582700, 4466700;  
 581900, 4465800; 581000, 4465500;  
 580600, 4465200; 580400, 4464000;  
 580200, 4463300; 578900, 4462700;  
 578500, 4462300; 578100, 4462000;  
 577800, 4460900; 577700, 4460000;  
 576700, 4459300; 576600, 4458800;  
 576800, 4458300; 576800, 4457100;  
 576400, 4456700; 575500, 4456800;  
 574900, 4456800; 574100, 4455900;  
 573500, 4455600; 572300, 4455300;  
 572000, 4455300; 571600, 4455600;  
 571400, 4455400; 571100, 4454900;  
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 570200, 4455000; 570600, 4455900;  
 570000, 4456100; 569500, 4456300;  
 569300, 4456500; 568900, 4456500;  
 568600, 4456500; 568000, 4456800;  
 567900, 4457100; 567900, 4458000;  
 568400, 4458800; 569100, 4459800;  
 569600, 4460500; 569500, 4460800;  
 569000, 4460600; 568300, 4460700;  
 567500, 4460700; 566800, 4460000;  
 566400, 4460000; 565900, 4461100;  
 565800, 4461400; 565800, 4461700;  
 566000, 4462000; 565800, 4462300;  
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 567200, 4463600; 567600, 4463400;  
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 570600, 4463900; 570800, 4464300;  
 572000, 4465200; 572000, 4466300;  
 572100, 4466600; 572800, 4467300;  
 573500, 4468600; 573400, 4469000;  
 573100, 4469400; 572900, 4469600;  
 572600, 4469600; 571800, 4468800;  
 571400, 4468100; 571000, 4467900;  
 571000, 4468700; 571200, 4468700;  
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 571200, 4470500; 570500, 4470900;  
 570460, 4470920; 570460, 4470932;  
 570466, 4470931; 570461, 4471354;  
 570786, 4471349; 571229, 4471353;  
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 571238, 4471962; 571244, 4471992;  
 571237, 4472042; 571244, 4472069;  
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 572162, 4472225; 572168, 4472227;  
 572181, 4472226; 572208, 4472225;  
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 572241, 4472217; 572282, 4472215;  
 572307, 4472215; 572325, 4472213;  
 572332, 4472212; 572500, 4472100;  
 573900, 4472100; 574151, 4472791;  
 574207, 4472814; 574212, 4472816;  
 574219, 4472814; 574238, 4472808;  
 574256, 4472804; 574271, 4472800;  
 574293, 4472798; 574321, 4472797;  
 574342, 4472798; 574360, 4472803;  
 574369, 4472807; 574384, 4472811;  
 574403, 4472815; 574428, 4472823;  
 574450, 4472828; 574469, 4472831;  
 574483, 4472832; 574489, 4472834;  
 574488, 4472924; 574488, 4472933;  
 574488, 4472941; 574487, 4472952;  
 574487, 4472951; 574459, 4472946;  
 574443, 4472942; 574425, 4472940;  
 574411, 4472938; 574397, 4472937;  
 574391, 4472934; 574379, 4472930;  
 574373, 4472928; 574365, 4472924;  
 574356, 4472921; 574353, 4472920;  
 574342, 4472919; 574346, 4472925;  
 574358, 4472955; 574465, 4473021;  
 574448, 4473020; 574445, 4473038;  
 574336, 4472971; 574326, 4472947;  
 574297, 4472920; 574278, 4472922;  
 574261, 4472941; 574253, 4472951;  
 574231, 4472975; 574223, 4472987;  
 574300, 4473200; 574754, 4473200;  
 574939, 4473200; 575100, 4473200;  
 575456, 4473413; 575600, 4473500;  
 575624, 4473524; 576000, 4473900;  
 576107, 4473900; 576460, 4473900;  
 576600, 4473900; 576883, 4473900;  
 577069, 4473900; 577300, 4473900;  
 577344, 4473933; 577351, 4473938;  
 577700, 4474200; 578600, 4474200;  
 578685, 4474224; 578803, 4474258;  
 579300, 4474400; 579637, 4474400;  
 580000, 4474400; 580600, 4474700;  
 580991, 4474700; 581447, 4474700;  
 581900, 4474700; 581931, 4474738;  
 582400, 4475300; 583000, 4475400;  
 583200, 4475400; returning to 583610,  
 4475072; excluding 579328, 4466483;  
 579344, 4463788; 580057, 4465659;  
 580132, 4465813; 580184, 4465918;  
 580313, 4466064; 580839, 4466455;  
 returning to 579328, 4466483.  
 (ii) Unit 3B: Shasta and Tehama  
 Counties, California. From USGS  
 1:24,000 scale quadrangle Balls Ferry.  
 Land bounded by the following UTM  
 Zone 10, NAD 83 coordinates (E,N):  
 570448, 4472017; 570459, 4471725;  
 570459, 4471725; 570459, 4471724;  
 570408, 4471708; 570382, 4471714;  
 570356, 4471741; 570335, 4471767;  
 570304, 4471767; 570298, 4471772;  
 570279, 4471768; 570240, 4471758;  
 570210, 4471761; 570196, 4471743;  
 570183, 4471738; 570173, 4471734;  
 570160, 4471705; 570156, 4471680;  
 570156, 4471678; 570150, 4471671;  
 570139, 4471657; 570139, 4471654;  
 570139, 4471645; 570118, 4471628;  
 570092, 4471624; 570089, 4471624;  
 570071, 4471623; 570054, 4471623;  
 570006, 4471624; 569975, 4471641;  
 569952, 4471639; 569913, 4471639;  
 569893, 4471626; 569866, 4471623;  
 569852, 4471624; 569821, 4471597;  
 569810, 4471574; 569789, 4471573;  
 569761, 4471574; 569757, 4471575;  
 569735, 4471544; 569722, 4471574;  
 569676, 4471581; 569658, 4471581;  
 569644, 4471584; 569625, 4471584;  
 569605, 4471585; 569557, 4471585;  
 569534, 4471593; 569517, 4471599;  
 569494, 4471607; 569465, 4471615;  
 569438, 4471622; 569415, 4471629;  
 569400, 4471629; 569400, 4471687;  
 569400, 4471800; 569600, 4471900;  
 569600, 4472000; 569900, 4472200;  
 570200, 4472100; returning to 570448,  
 4472017.  
 (iii) Note: Unit 3 (Map 6) follows:  
 BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(7) Unit 4: Tehama County, California.  
From USGS 1:24,000 scale quadrangles  
Acorn Hollow and Richardson Springs

NW. Land bounded by the following  
UTM Zone 10, NAD 83 coordinates  
(E,N): 588739, 4429822; 588900,  
4429500; 589500, 4429500; 589500,

4428600; 589500, 4428000; 589800,  
4427100; 590500, 4426400; 590500,  
4425300; 591200, 4424400; 591500,  
4423300; 591562, 4422558; 590526,

4423686; 589986, 4424273; 589816,  
4424458; 589129, 4425207; 588454,  
4426221; 588425, 4426265; 588279,  
4426485; 588213, 4426583; 588213,  
4426584; 588212, 4426585; 588168,  
4426652; 588014, 4426883; 587912,

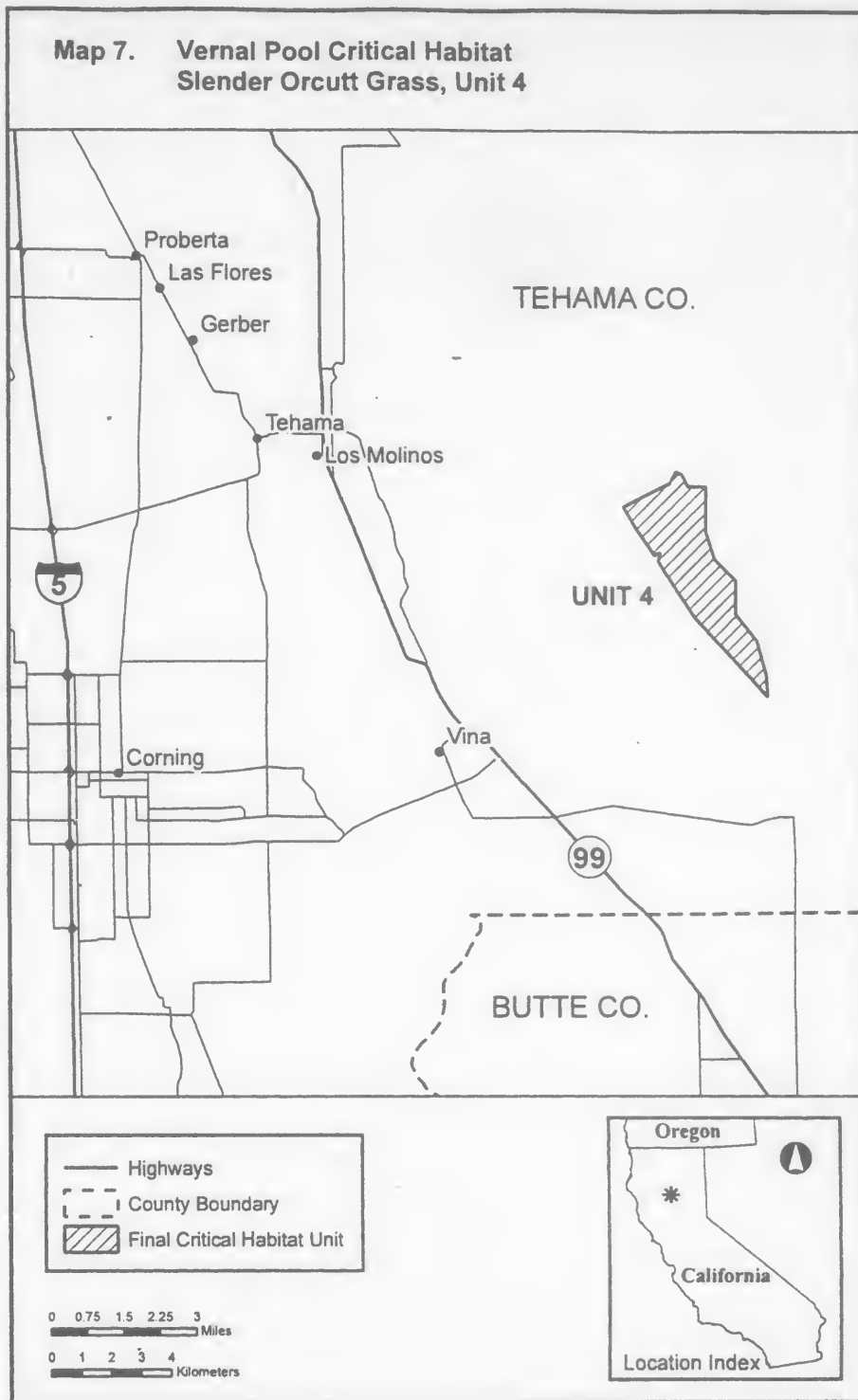
4427036; 588000, 4427300; 587900,  
4427300; 587802, 4427202; 587756,  
4427271; 587137, 4428163; 587107,  
4428243; 586773, 4428770; 586751,  
4428801; 586900, 4428900; 587300,  
4429100; 588300, 4429600; 588500,

4430000; 588700, 4429900; 588733,  
4429833; returning to 588739, 4429822.

(8) Note: Unit 4 (Map 7) follows:

BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(9) Unit 5: Lake County, California.

(i) Unit 5A: Lake County, California.  
From USGS 1:24,000 scale quadrangles

Kelseyville and The Geysers. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 520600, 4304700; 520700, 4304400; 521200,

4303900; 521200, 4303500; 520900, 4303400; 520000, 4302900; 519600, 4302900; 519200, 4303200; 518600, 4303600; 518400, 4304000; 517700,

4304500; 517700, 4305500; 518000, 4305800; 518900, 4305800; 519400, 4305600; 519400, 4305200; returning to 520600, 4304700; excluding 519133, 4304515; 519186, 4304513; 519190, 4304580; 519259, 4304536; 519575, 4304594; 519707, 4304515; 519882, 4304203; 519928, 4304160; 519924, 4304114; 519785, 4304012; 519729, 4303886; 519677, 4303975; 519634, 4303917; 519639, 4303693; 519840, 4303690; 519846, 4303903; 519925, 4303879; 519937, 4303781; 519975,

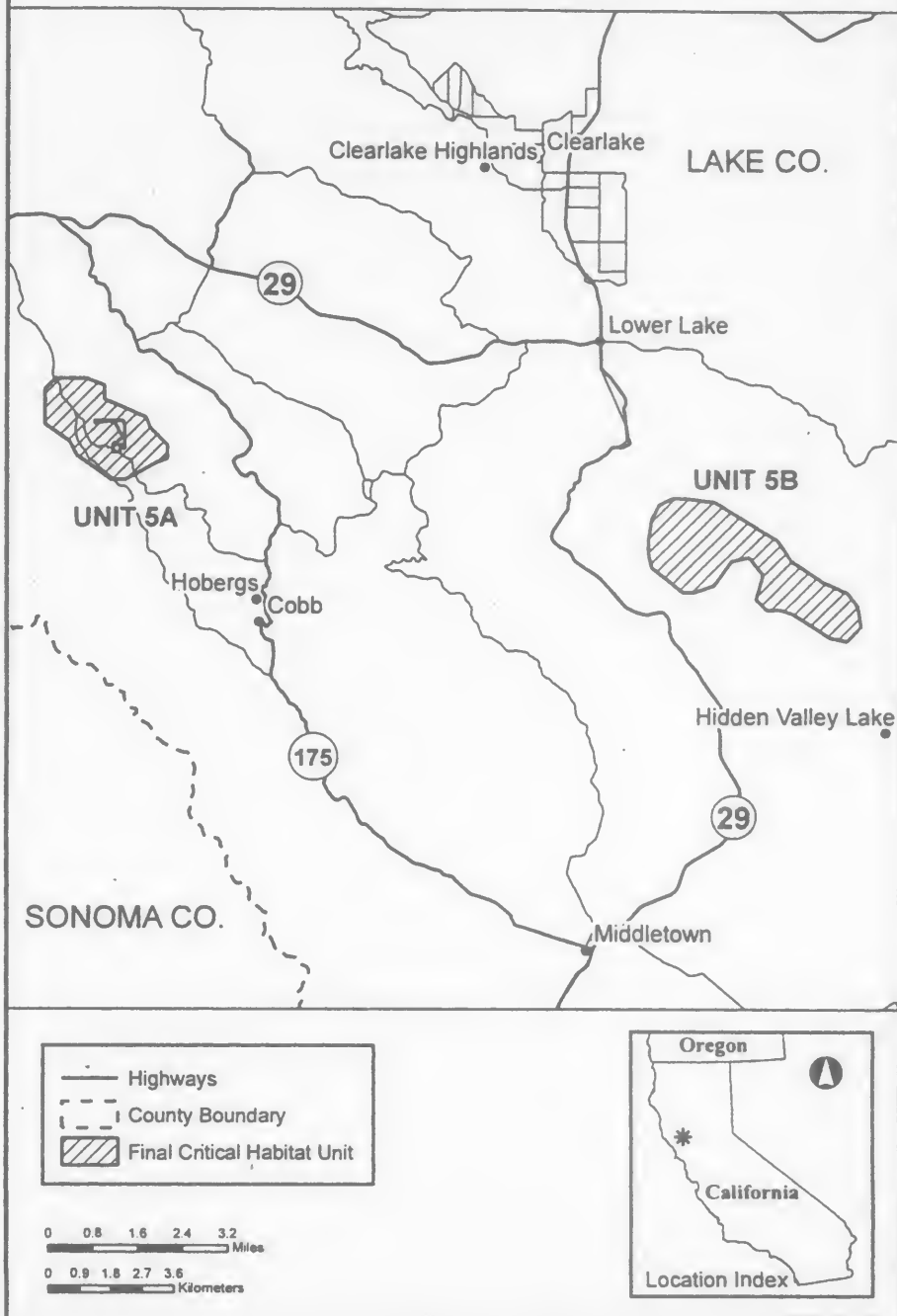
4303782; 519980, 4304504; 519952, 4304510; 519944, 4304600; 519130, 4304611; returning to 519133, 4304515. (ii) Unit 5B: Lake County, California. From USGS 1:24,000 scale quadrangle Middletown. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 538700, 4301200; 539100, 4300600; 540000, 4300000; 540700, 4299700; 541000, 4299300; 541100, 4298700; 540700, 4298300; 540200, 4298400; 539100, 4299100; 538800, 4299200; 538400, 4299200;

538100, 4299500; 538300, 4300200; 537900, 4300700; 537400, 4300600; 536900, 4299900; 536300, 4299700; 536000, 4299700; 535100, 4300400; 535000, 4300800; 535000, 4301200; 535100, 4301800; 535300, 4302200; 535700, 4302400; 536100, 4302400; 536900, 4302300; returning to 538700, 4301200.

(iii) Note: Unit 5 (Map 8) follows:

BILLING CODE 4310-55-P

**Map 8. Vernal Pool Critical Habitat  
Slender Orcutt Grass, Unit 5**



BILLING CODE 4310-55-C

(10) Unit 6: Sacramento County, California. From USGS 1:24,000 scale quadrangle Carmichael. Land bounded

by the following UTM Zone 10, NAD 83 coordinates (E,N): 651200, 4266600; 651500, 4266400; 651500, 4266300; 651100, 4266300; 651100, 4266000;

651570, 4265812; 651589, 4265075; 651600, 4264400; 651400, 4264400; 651400, 4264200; 650500, 4264200; 650500, 4264300; 650400, 4264300;

650400, 4264600; 650000, 4264700;  
649900, 4265100; 649400, 4265100;  
649100, 4265000; 648900, 4265100;  
648700, 4265100; 648700, 4265300;  
648700, 4265500; 649900, 4265500;

649900, 4266000; 648300, 4266000;  
648300, 4266200; 648500, 4266400;  
648700, 4266200; 649000, 4266200;  
649300, 4266400; 649400, 4266600;

649635, 4266678; returning to 651200,  
4266600.

(11) Note: Unit 6 (Map 9) follows:

BILLING CODE 4310-55-P

**Map 9. Vernal Pool Critical Habitat  
Slender Orcutt Grass, Unit 6**



Family Poaceae: *Orcuttia viscida*  
(Sacramento Orcutt Grass)

(1) Critical habitat units are depicted for Amador and Sacramento counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Orcuttia viscida* (Sacramento Orcutt grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that

continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Sacramento County, California. From USGS 1:24,000 topographic quadrangle Folsom. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 655240, 4279350; 655100, 4279350; 655054, 4279362; 655060, 4279380; 655090, 4279390; 655090, 4279560; 655060, 4279580; 655040, 4279590; 655020, 4279610; 655010, 4279640; 654990, 4279650; 654960, 4279720; 654940, 4279770; 654940, 4279800; 655100, 4279800; 655101, 4279806; 655220, 4279810; 655210, 4280150; 655290, 4280150; 655218, 4280146; 655230, 4279930; 655378, 4279928; 655370, 4279920; 655280, 4279920; 655270, 4279860; 655270, 4279830; 655260, 4279800; 655250, 4279750; 655240, 4279700; 655240, 4279640; returning to 655240, 4279350.

(5) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 2: Sacramento County, California. From USGS 1:24,000 topographic quadrangle Carmichael.

Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N):  
 651200, 4266600; 651500, 4266400;  
 651500, 4266300; 651100, 4266300;

651100, 4266000; 651570, 4265812;  
 651589, 4265075; 651600, 4264400;  
 651400, 4264400; 651400, 4264200;  
 650500, 4264200; 650500, 4264300;

650400, 4264300; 650400, 4264600;  
650000, 4264700; 649900, 4265100;  
649400, 4265100; 649100, 4265000;  
648900, 4265100; 648700, 4265100;  
648700, 4265300; 648700, 4265500;

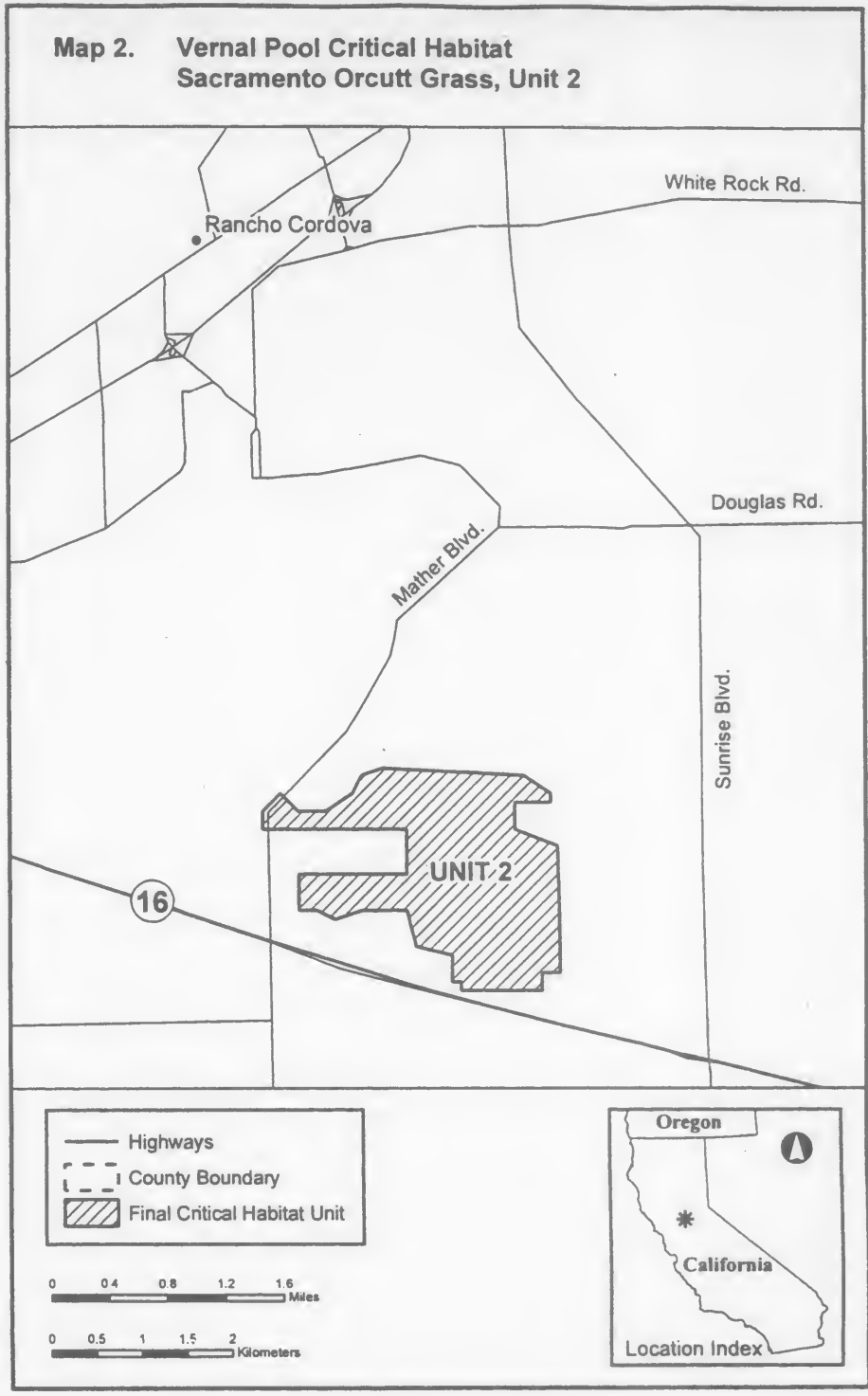
649900, 4265500; 649900, 4266000;  
648300, 4266000; 648300, 4266200;  
648500, 4266400; 648700, 4266200;  
649000, 4266200; 649300, 4266400;

649400, 4266600; 649635, 4266678;  
returning to 651200, 4266600.

(7) Note: Unit 2 (Map 2) follows:

BILLING CODE 4310-55-P





BILLING CODE 4310-55-C

(8) Unit 3: Sacramento and Amador Counties, California. From USGS 1:24,000 topographic quadrangles

Sloughhouse, Carbondale, Clay, and Goose Creek. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 673200, 4256400;

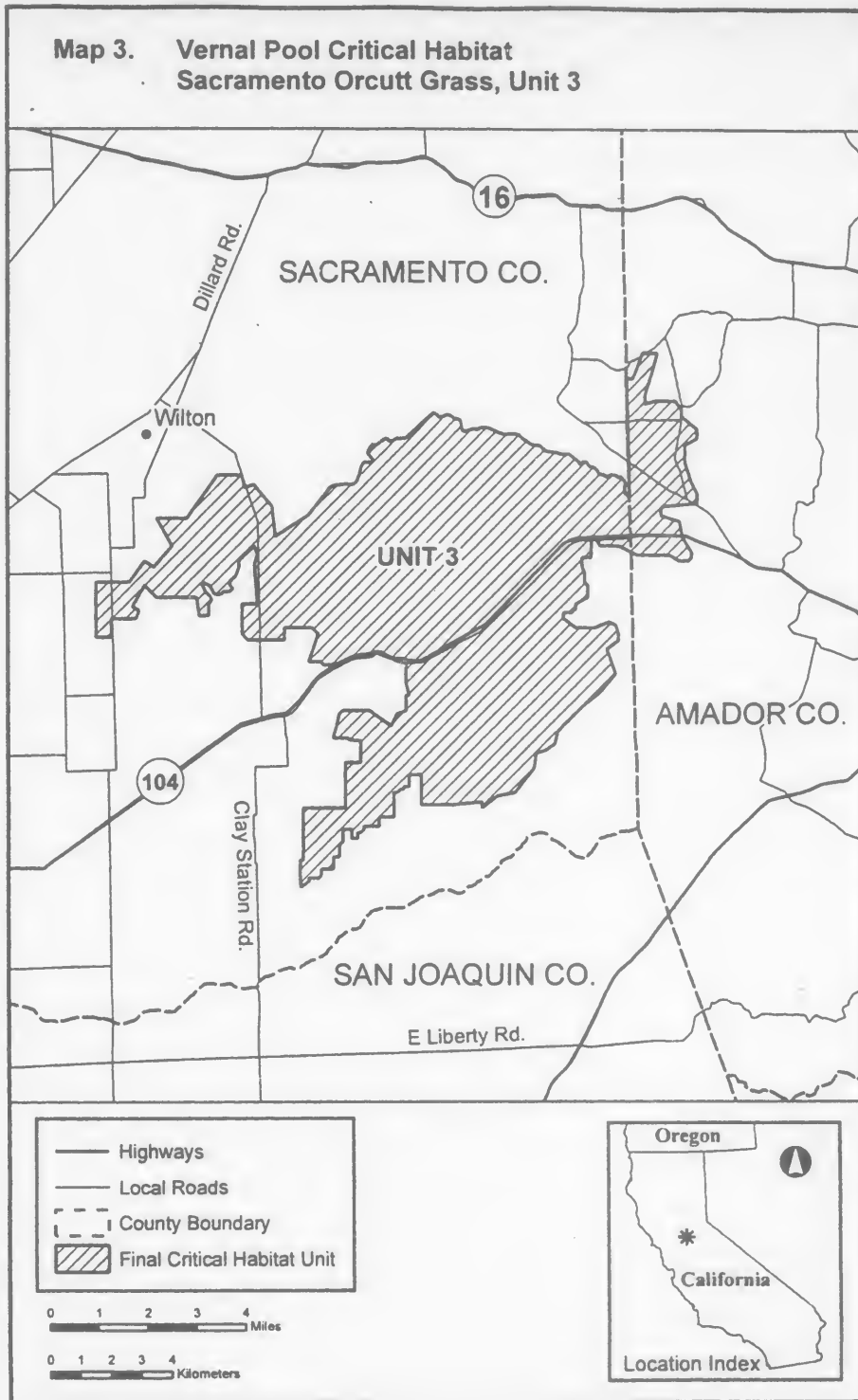
672800, 4255100; 672800, 4254800; 673100, 4254900; 673800, 4254900; 674000, 4254600; 674000, 4254400; 674500, 4254000; 674500, 4253700;

674100, 4253500; 674100, 4252900;  
 674300, 4252300; 674500, 4251900;  
 674500, 4251600; 673400, 4251500;  
 673300, 4251400; 673300, 4251200;  
 673900, 4251000; 674000, 4250500;  
 674300, 4250000; 674300, 4249800;  
 674200, 4249700; 673900, 4249700;  
 673600, 4249900; 672500, 4249900;  
 672315, 424992; 671900, 4250200;  
 671300, 4250200; 671100, 4250500;  
 671000, 4250500; 671000, 4249800;  
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 670500, 4247500; 671100, 4247500;  
 671600, 4247700; 671800, 4247600;  
 671900, 4247300; 671900, 4247100;  
 671500, 4246800; 671600, 4246600;  
 671800, 4246000; 671800, 4246000;  
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 667400, 4241800; 666400, 4241700;  
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 664800, 4242200; 664700, 4242200;  
 664600, 4242100; 664500, 4242100;  
 664500, 4241300; 664000, 4241300;  
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 663300, 4240800; 663300, 4240600;  
 663100, 4240600; 663100, 4240900;  
 662800, 4240900; 662800, 4240500;  
 662700, 4240400; 662700, 4240000;  
 662500, 4240000; 662500, 4239600;  
 662100, 4239600; 662100, 4239400;  
 662000, 4239300; 661700, 4239300;  
 661700, 4239200; 661400, 4239000;  
 661400, 4239900; 661500, 4239900;  
 661500, 4241600; 662200, 4241600;  
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 663029, 4243841; 663000, 4243844;  
 663000, 4243900; 662500, 4243900;  
 662700, 4244700; 662800, 4244800;  
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 664900, 4245300; 665000, 4245300;  
 664900, 4245700; 664900, 4246500;  
 664400, 4246500; 663900, 4246700;  
 662500, 4246300; 662233, 4246300;  
 662200, 4246300; 662100, 4246400;  
 661700, 4246400; 661900, 4247000;  
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 672217, 4254287; 672192, 4255610;  
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 672700, 4256400; returning to 673200,  
 4256400.

(9) Note: Unit 3 (Map 3) follows:

BILLING CODE 4310-55-P

**Map 3. Vernal Pool Critical Habitat  
Sacramento Orcutt Grass, Unit 3**



BILLING CODE 4310-55-C

Family Poaceae: *Tuctoria greenei*  
(Greene's Tuctoria).

(1) Critical habitat units are depicted for Butte, Madera, Mariposa, Merced,

Shasta, Stanislaus, Tehama, and Tuolumne counties, California, on the map below.

(2) The primary constituent elements of critical habitat for *Tuctoria greenei* (Greene's tuctoria) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils

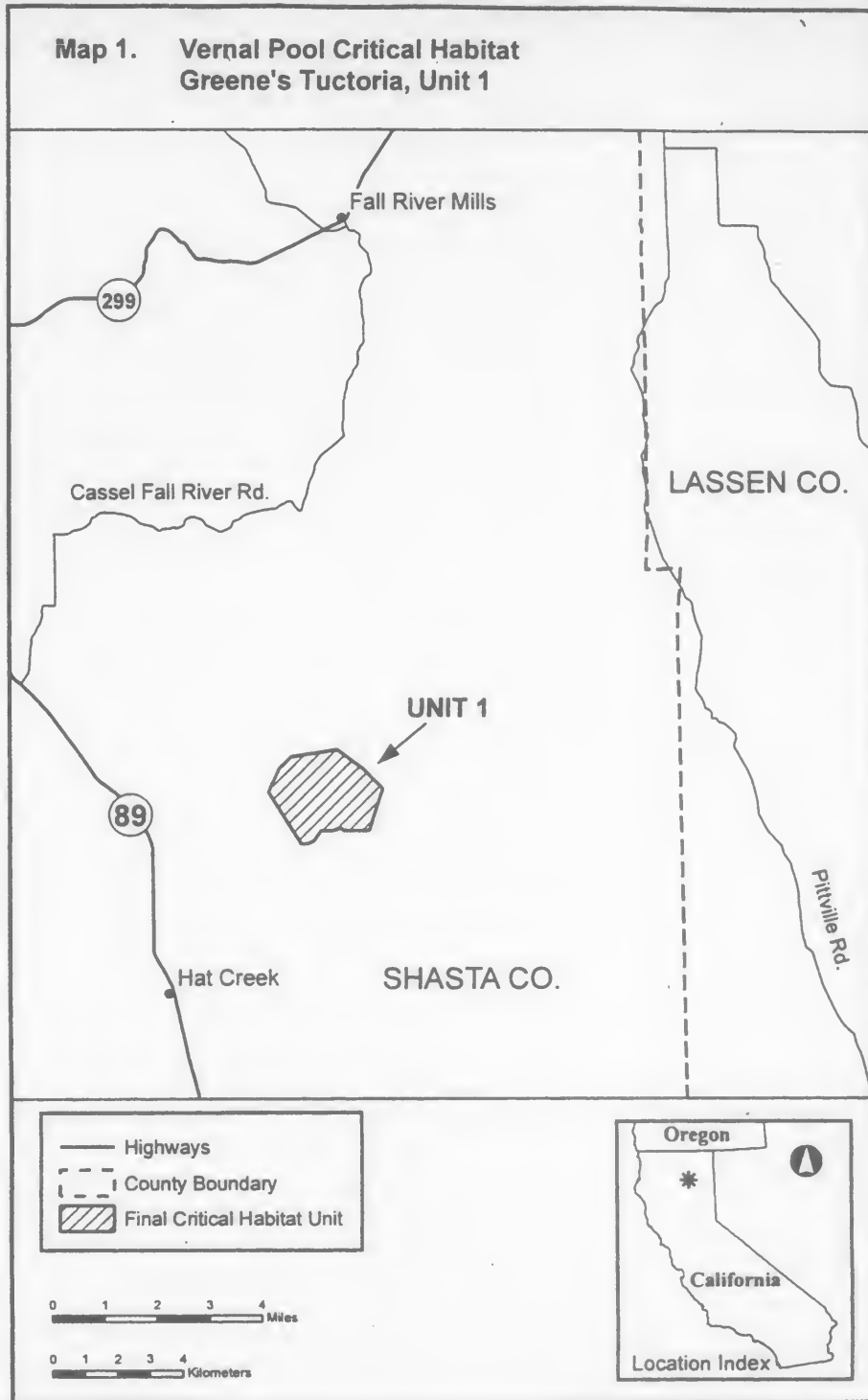
are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger

a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

(4) Unit 1: Shasta County, California. From USGS 1:24,000 scale quadrangle Murken Bench. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 632400, 4522900; 632000, 4521600; 631200, 4521600; 631100, 4521700; 630900, 4521600; 630500, 4521600; 630300, 4521300; 630100, 4521200; 629900, 4521200; 628900, 4522800; 629200, 4523500; 629600, 4523900; 631000, 4524100; 631800, 4523500; returning to 632400, 4522900.

(5) Note: Unit 1 (Map 1) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(6) Unit 2: Tehama County, California.  
From USGS 1:24,000 scale quadrangles  
Acorn Hollow, Richardson Springs NW.

Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
588739, 4429822; 588900, 4429500;  
589500, 4429500; 589500, 4428600;

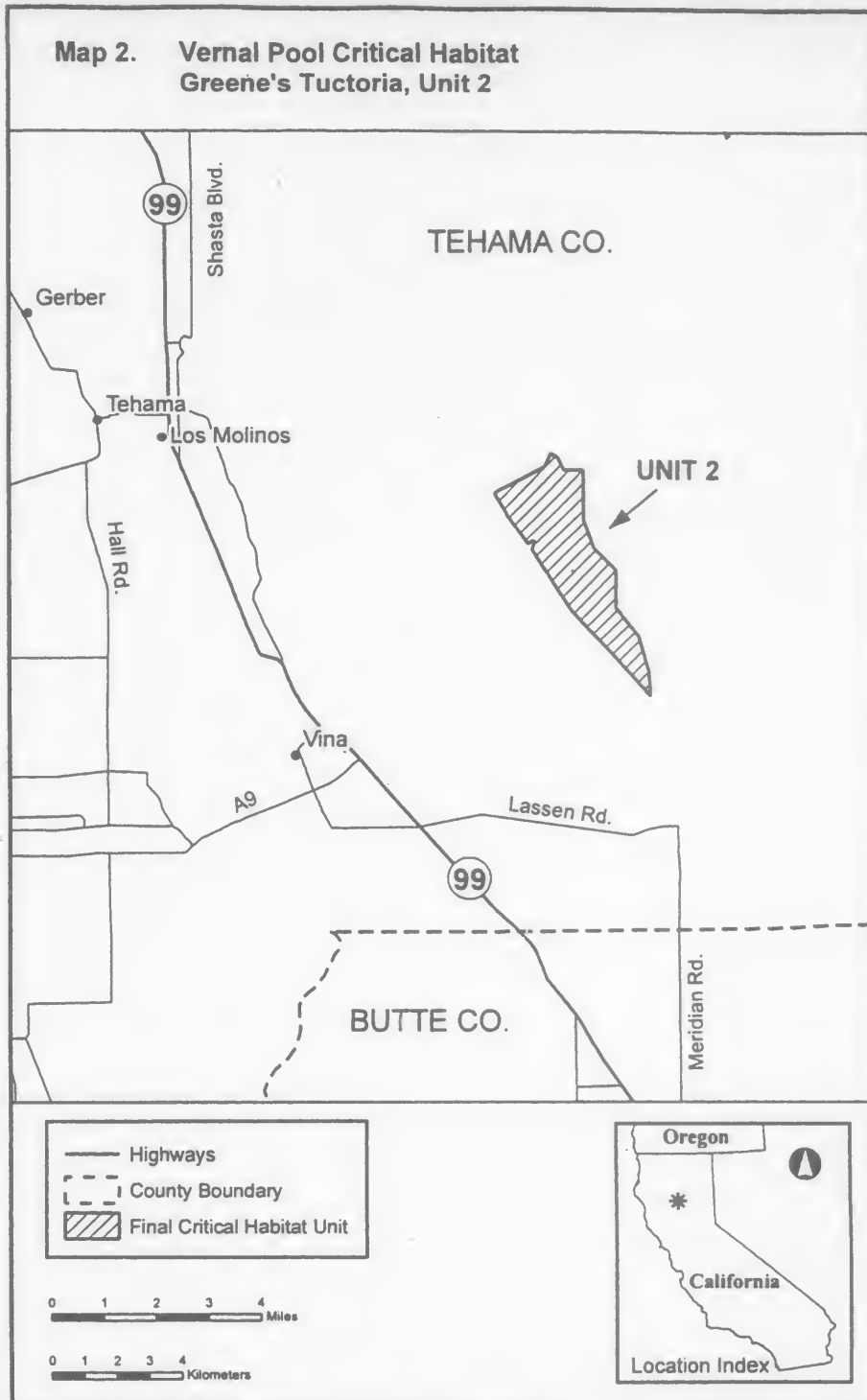
589500, 4428000; 589800, 4427100;  
590500, 4426400; 590500, 4425300;  
591200, 4424400; 591500, 4423300;  
591562, 4422558; 590526, 4423686;

589986, 4424273; 589816, 4424458;  
589129, 4425207; 588454, 4426221;  
588425, 4426265; 588279, 4426485;  
588213, 4426583; 588213, 4426584;  
588212, 4426585; 588168, 4426652;  
588014, 4426883; 587912, 4427036;

588000, 4427300; 587900, 4427300;  
587802, 4427202; 587756, 4427271;  
587137, 4428163; 587107, 4428243;  
586773, 4428770; 586751, 4428801;  
586900, 4428900; 587300, 4429100;  
588300, 4429600; 588500, 4430000;

588700, 4429900; 588733, 4429833;  
returning to 588739, 4429822.

(7) Note: Unit 2 (Map 2) follows:  
BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

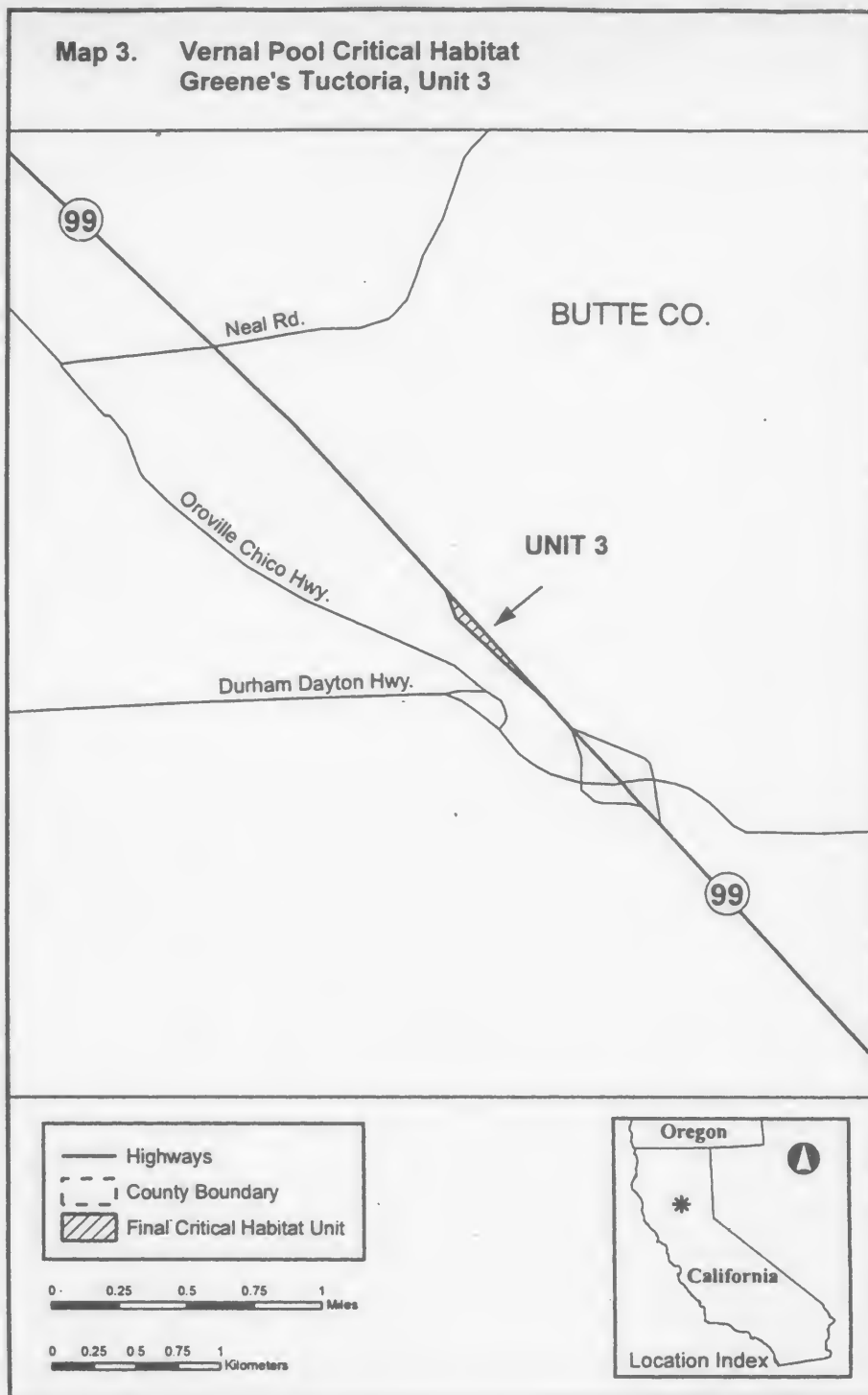
(8) Unit 3: Butte County, California. From USGS 1:24,000 scale quadrangle Hamlin Canyon. Land bounded by the

following UTM Zone 10, NAD 83 coordinates (E,N): 609736, 4389313; 609200, 4389800; 609145, 4389965;

609391, 4389694; 609721, 4389330; returning to 609736, 4389313.

(9) Note: Unit 3 (Map 3) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(10) Unit 6: Stanislaus County, California.

(i) Unit 6A: Stanislaus County, California. From USGS 1:24,000 scale quadrangles Paulsell. Land bounded by the following UTM Zone 10, NAD 83

coordinates (E,N): 702000, 4171800; 702000, 4169800; 702200, 4169800; 702200, 4169700; 702200, 4169658; 702200, 4169200; 701700, 4169000;



701300, 4168800; 701200, 4168600;  
701000, 4168600; 701000, 4169612;  
701000, 4169700; 700700, 4169700;  
700700, 4170400; 700700, 4170500;  
700550, 4170500; 700500, 4170500;  
700500, 4170533; 700500, 4170900;  
700300, 4170900; 700300, 4171100;  
700300, 4171800; 701200, 4171800;  
returning to 702000, 4171800.

(ii) Unit 6B: Stanislaus County, California. From USGS 1:24,000 scale quadrangles Waterford, Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 701282, 4176830; 701345, 4176765; 701756, 4176778; 701600, 4176700; 701600, 4176500; 701600, 4176200; 701700, 4175900; 701800, 4175800; 702000, 4175800; 702000, 4175100; 701600, 4175100; 701600, 4174200; 701900, 4173700; 701800, 4173600; 701700, 4173500; 701700, 4173300; 701700, 4173200; 701600, 4173200; 701500, 4173100; 701500, 4173000; 701600, 4173000; 701600, 4172800; 701500, 4172600; 701300, 4172500; 701100, 4172600; 700700, 4172600; 700600, 4172600; 700500, 4172700; 700500, 4172900; 700400, 4172900; 700400, 4172800; 700100, 4172700; 699600, 4172700; 699500, 4172800; 699300, 4172800; 699100, 4172500; 698800, 4172500; 698700, 4172600; 698400, 4172400; 698100, 4172800; 698200, 4173000; 697400, 4174300; 697300, 4174300; 697300, 4174500; 697800, 4174500; 697800, 4176300; 697700, 4176300; 697700, 4176437; 698090, 4176397; 698085, 4176613; 698084, 4176642; 699300, 4176684; 700500, 4176726; 701204, 4176750; returning to 701282, 4176830.

(iii) Unit 6C: Stanislaus County, California. From USGS 1:24,000 scale quadrangles Paulsell. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 703100, 4177500; 703000, 4177300; 702911, 4177359; 702906, 4177503; 703100, 4177507; returning to 703100, 4177500.

(iv) Unit 6D: Stanislaus County, Tuolumne County, California. From USGS 1:24,000 scale quadrangles Paulsell, Keystone, Cooperstown, La Grange. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 715800, 4183400; 716000, 4182700; 716900, 4182700; 717100, 4182500; 717100, 4182000; 716900, 4181300; 717200, 4180900; 717200, 4180600; 717107, 4180383; 716900, 4179900; 717482, 4180046; 717700, 4180100; 718500, 4180000; 718700, 4179200; 719300, 4178700; 719455, 4178273; 719700, 4177600; 720126, 4177671; 720300, 4177700; 720700, 4177700; 720745, 4177115; 720800, 4176400; 721400, 4175900; 722200, 4175300; 722700, 4175200; 722800,

4173600; 723000, 4173500; 723200, 4173600; 723700, 4173600; 724000, 4173300; 724100, 4172300; 722800, 4172200; 721700, 4171200; 721571, 4170643; 721500, 4170500; 721400, 4170400; 721200, 4170300; 721000, 4170100; 721000, 4169600; 720900, 4169600; 720000, 4168500; 718900, 4168000; 718700, 4168100; 718100, 4168500; 718000, 4168500; 717900, 4168600; 716200, 4168600; 715900, 4168500; 715600, 4168300; 715500, 4168200; 715400, 4168300; 715400, 4169400; 714900, 4169900; 714900, 4170000; 715100, 4170000; 715200, 4170200; 715300, 4170400; 715300, 4170407; 715300, 4171200; 715200, 4171200; 715200, 4171000; 715100, 4171000; 715100, 4170700; 714900, 4170700; 714900, 4170300; 713900, 4169800; 713800, 4169900; 713000, 4169500; 712500, 4169400; 712200, 4169400; 712000, 4169600; 711500, 4169900; 711300, 4169900; 710500, 4169100; 709300, 4169100; 709100, 4169500; 709100, 4169700; 708900, 4169700; 708800, 4169900; 708700, 4169900; 708600, 4169800; 708500, 4169900; 708400, 4170000; 708700, 4170200; 708800, 4170300; 708900, 4170400; 709100, 4170500; 709200, 4170600; 709400, 4170600; 709400, 4170800; 709300, 4170800; 709200, 4170900; 709100, 4170800; 708800, 4170700; 708800, 4170600; 708500, 4170500; 708400, 4170300; 708100, 4170200; 707900, 4170200; 707900, 4170300; 708100, 4170500; 708200, 4170600; 708000, 4170600; 708200, 4170800; 708200, 4170900; 708100, 4170900; 707900, 4170700; 707700, 4170700; 707700, 4170800; 707600, 4170900; 707400, 4170900; 707100, 4171100; 707100, 4171200; 707200, 4171300; 707300, 4171200; 707500, 4171300; 707800, 4171600; 707900, 4171600; 708100, 4171600; 708200, 4171700; 708100, 4171800; 708100, 4171900; 708300, 4171900; 708300, 4172100; 708400, 4172100; 708500, 4172200; 708500, 4172300; 708700, 4172400; 708800, 4172500; 708800, 4172600; 708700, 4172700; 708500, 4172700; 708400, 4172800; 708300, 4172700; 708200, 4172700; 708100, 4172600; 708000, 4172500; 707900, 4172500; 707800, 4172700; 707600, 4172600; 707400, 4172500; 707400, 4172600; 707200, 4172700; 707100, 4172300; 707000, 4172200; 706700, 4172200; 706700, 4172300; 706500, 4172300; 706400, 4172300; 706400, 4172400; 706200, 4172600; 706300, 4172700; 706400, 4172800; 706300, 4172800; 706200, 4172800; 706100, 4172900; 705900, 4173100; 705800, 4173300; 705800, 4173500; 706000,

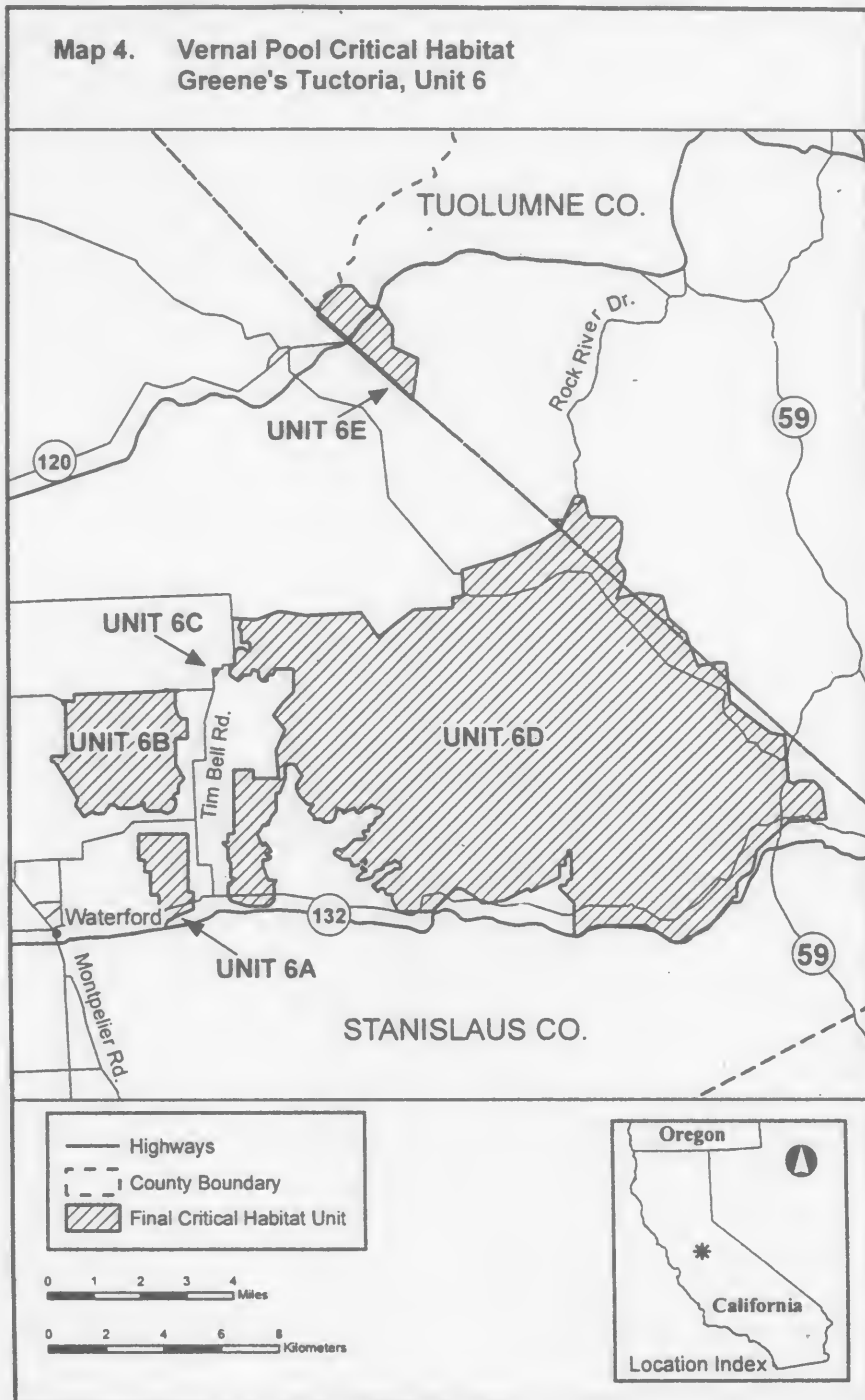
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(v) Unit 6E: Calaveras County and Tuolumne County, California. From USGS 1:24,000 scale quadrangles Knights Ferry, Keystone. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 707800, 4190700; 708400, 4190000; 708700, 4190000; 709200, 4189300; 709200, 4188600; 710100, 4188200; 709919, 4186841; 709913, 4186795; 709477, 4187175; 709275, 4187351; 708435, 4188084;

708351, 4188158; 708264, 4188233;  
708132, 4188349; 707999, 4188465;  
707639, 4188779; 707607, 4188807;  
707565, 4188844; 706885, 4189437;

706596, 4189689; 706578, 4189704;  
706611, 4189812; 706700, 4190100;  
707300, 4190700; returning to 707800,  
4190700.

(vi) Note: Unit 6 (Map 4) follows:  
BILLING CODE 4310-55-P



(13) Unit 7: Merced County and Mariposa County. USGS 24,000 topographic quadrangles Winton, Yosemite Lake, Snelling, Merced Falls, Haystack Mountain, Indian Gulch, Planada, Owens Reservoir, Illinois Hill, Le Grand, Raynor Creek: Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 747003, 4125902; 747142, 4125971; 747303, 4125987; 747358, 4126000; 747200, 4126000; 747142, 4125971; 747123, 4125969; 747070, 4125950; 747003, 4125902; 747000, 4125900; 746900, 4125900; 746600, 4125800; 746300, 4125700; 746200, 4125600; 746200, 4125500; 745700, 4125500; 745700, 4125100; 744500, 4125100; 744500, 4125300; 744400, 4125300; 744400, 4125200; 743700, 4125200; 743700, 4125800; 744500, 4125800; 744500, 4126200; 743700, 4126200; 743700, 4127000; 743600, 4127000; 742700, 4127000; 742400, 4127000; 742000, 4127200; 742000, 4128600; 742800, 4128600; 742800, 4129100; 742900, 4129100; 743000, 4129100; 743000, 4129200; 743400, 4129300; 743600, 4129500; 743600, 4130284; 743605, 4130284; 743600, 4130493; 743600, 4130700; 743595, 4130700; 743561, 4132097; 743560, 4132170; 743556, 4132335; 743549, 4132692; 743537, 4133202; 743529, 4133301; 743531, 4133352; 743530, 4133400; 743523, 4133729; 743518, 4134016; 743515, 4134159; 743509, 4134382; 743500, 4134708; 743504, 4134743; 743565, 4134782; 744447, 4135329; 746234, 4136439; 746230, 4136445; 745985, 4136865; 745952, 4136931; 745915, 4136978; 745914, 4136987; 745902, 4137008; 745748, 4137298; 745669, 4137403; 745620, 4137437; 745503, 4137487; 745203, 4138201; 744984, 4138471; 744895, 4138606; 744895, 4138606; 744830, 4138711; 744596, 4139085; 744234, 4139637; 744233, 4139645; 744162, 4139744; 744162, 4139744; 744013, 4140002; 744013, 4140002; 743998, 4140029; 743996, 4140030; 743973, 4140072; 743907, 4140195; 743889, 4140229; 743877, 4140264; 743750, 4140609; 743388, 4140868; 743091, 4141131; 743053, 4141165; 742997, 4141268; 742771, 4141692; 742748, 4141734; 742355, 4142343; 742336, 4142368; 742271, 4142457; 742238, 4142503; 742139, 4142637; 742056, 4142749; 742002, 4142823; 741974, 4142874; 741808, 4143176; 741722, 4143360; 741419, 4144010; 741385, 4144081; 741316, 4144328; 741297, 4144395; 741245, 4144456; 741194, 4144530; 741162, 4144608; 741076, 4144820; 740864, 4144897; 740843, 4144899; 740750, 4144952; 740641, 4145056; 740535, 4145175;

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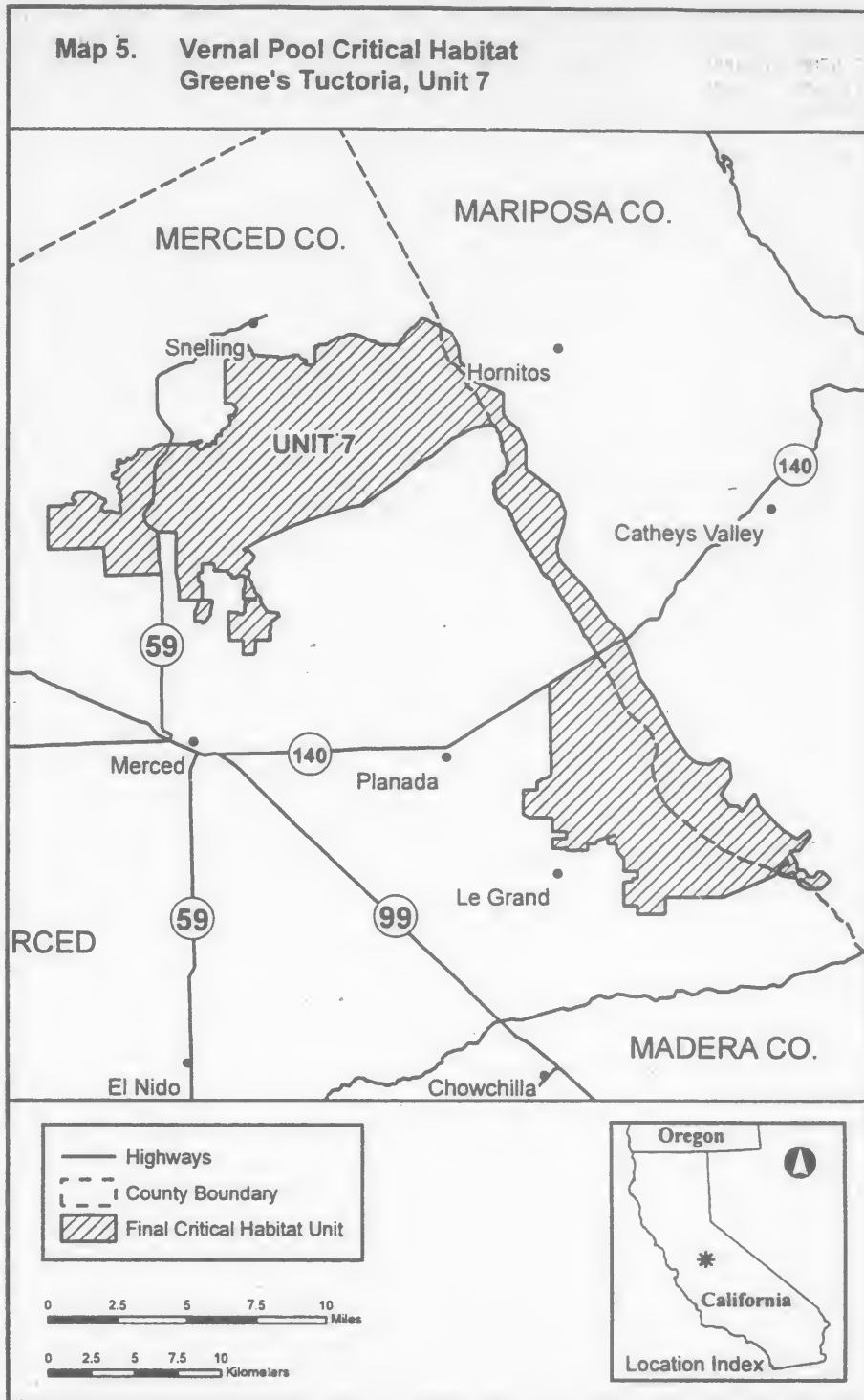
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(11) Note: Unit 7 (Map 5) follows:

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

(12) Unit 8: Madera County.

(i) Unit 8A: Madera County. USGS  
24,000 topographic quadrangle Kismet.

Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
766600, 4106300; 766600, 4105100;  
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765900, 4106700; 766100, 4106700;  
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returning to 766600, 4106300.

(ii) Unit 8B: Madera County. USGS  
24,000 topographic quadrangle Daulton:  
Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
767397, 4108238; 767442, 4108033;  
767466, 4107846; 767496, 4107799;  
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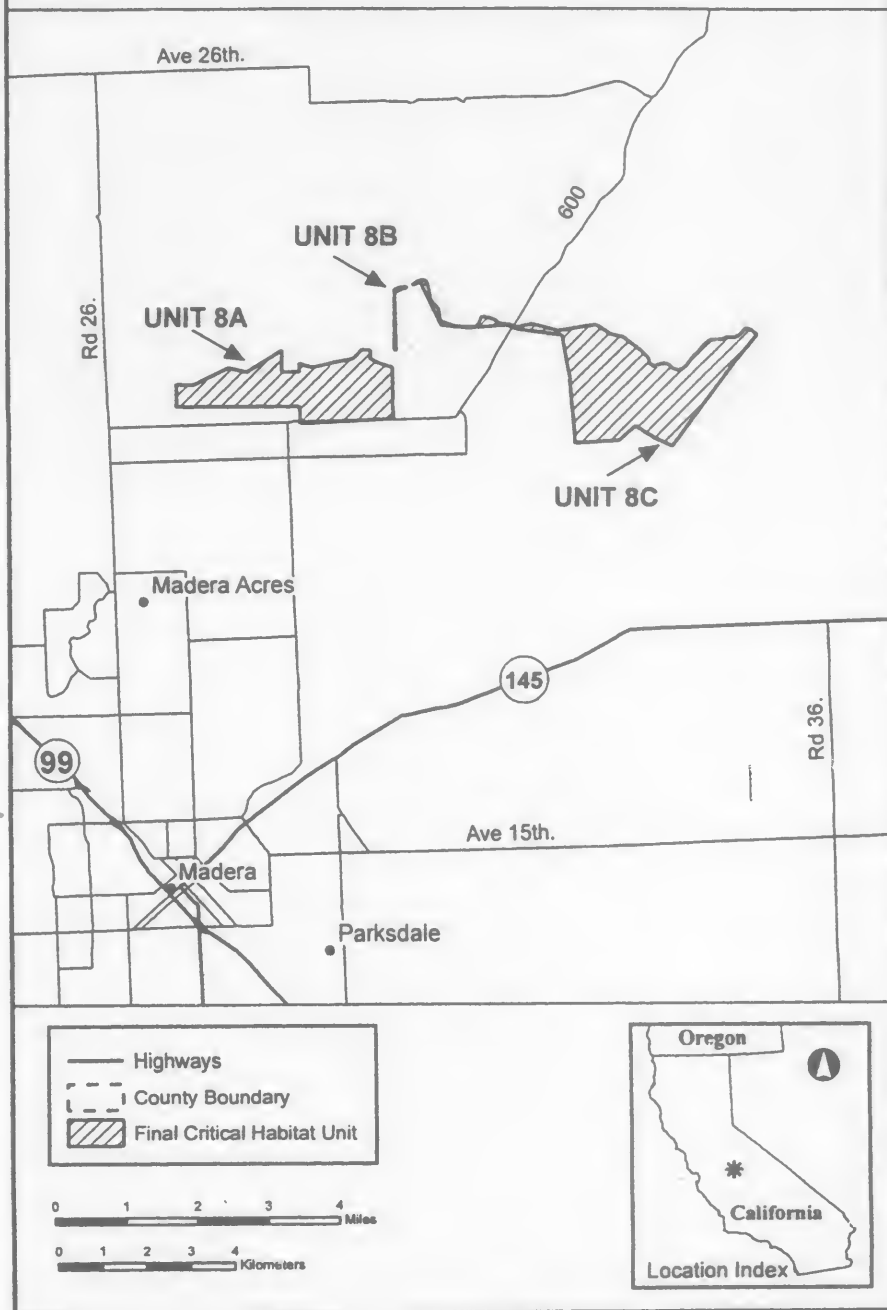
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returning to 767379, 4108260; 767397,  
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(iii) Unit 8C: Madera County. USGS  
24,000 topographic quadrangle Daulton:  
Land bounded by the following UTM  
Zone 10, NAD 83 coordinates (E,N):  
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766654, 4108020; 766655, 4108063;  
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(iv) Note: Unit 8 (Map 6) follows:  
BILLING CODE 4310-55-P

**Map 6. Vernal Pool Critical Habitat  
Greene's Tuctoria, Unit 8**



Family Poaceae: *Tuctoria mucronata*  
(Solano Grass)

(1) Critical habitat units are depicted for Yolo County, California, on the map below.

(2) The primary constituent elements of critical habitat for *Tuctoria mucronata* (Solano grass) are the habitat components that provide:

(i) Topographic features characterized by isolated mound and intermound complex within a matrix of surrounding uplands that result in continuously, or intermittently, flowing surface water in the depressional features including swales connecting the pools described in paragraph (2)(ii) of this section, providing for dispersal and promoting hydroperiods of adequate length in the pools; and

(ii) Depressional features including isolated vernal pools with underlying restrictive soil layers that become inundated during winter rains and that continuously hold water or whose soils are saturated for a period long enough to promote germination, flowering, and seed production of predominantly annual native wetland species and typically exclude both native and nonnative upland plant species in all but the driest years. As these features are inundated on a seasonal basis, they do not promote the development of obligate wetland vegetation habitats typical of permanently flooded emergent wetlands.

(3) Existing manmade features and structures, such as buildings, roads, railroads, airports, runways, other paved areas, lawns, and other urban

landscaped areas do not contain one or more of the primary constituent elements. Federal actions limited to those areas, therefore, would not trigger a consultation under section 7 of the Act unless they may affect the species and/or primary constituent elements in adjacent critical habitat.

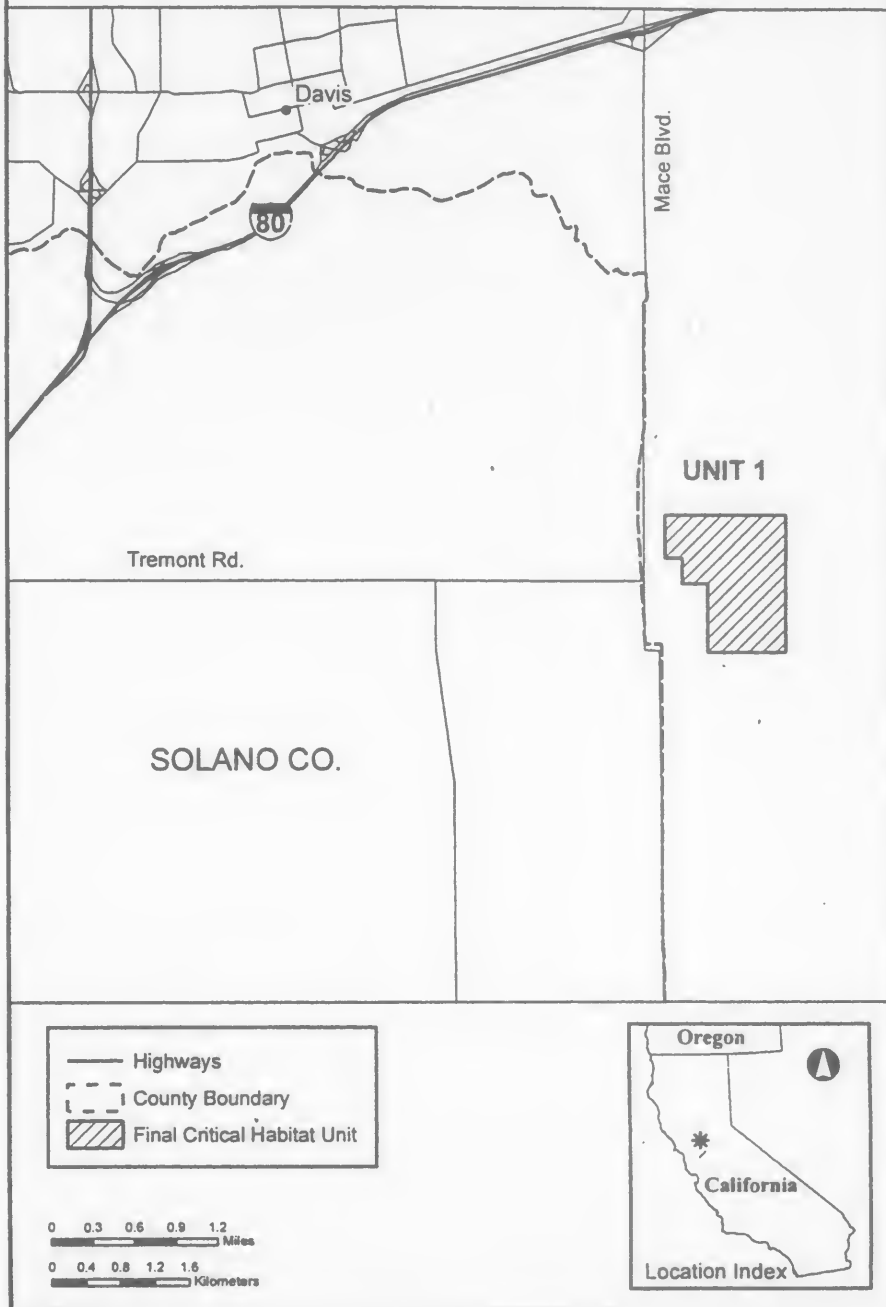
(4) Unit 1: Yolo County, California. From USGS 1:24,000 scale quadrangles Davis, Saxon. Land bounded by the following UTM Zone 10, NAD 83 coordinates (E,N): 615400, 4262300; 615400, 4260700; 614500, 4260700; 614500, 4261500; 614200, 4261500; 614200, 4261800; 614000, 4261800; 614000, 4262300; 615400, 4262300; returning to 615400, 4262300.

(5) Note: Unit 1 (Map 1) follows:

BILLING CODE 4310-55-P



**Map 1. Vernal Pool Critical Habitat  
Solano Grass, Unit 1**



§ 17.97 [Reserved].

- 6. Remove and reserve § 17.97.

Dated: January 25, 2006.

**Matt Hogan,**

*Acting Assistant Secretary for Fish and  
Wildlife and Parks.*

[FR Doc. 06-1080 Filed 2-9-06; 8:45 am]

BILLING CODE 4310-55-C



# Federal Register

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Friday,  
February 10, 2006

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Part III

## Department of Housing and Urban Development

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Federal Property Suitable as Facilities to  
Assist the Homeless; Notice

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5045-N-06]

**Federal Property Suitable as Facilities To Assist the Homeless**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Kathy Ezzell, room 7262, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2005 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2005, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8 (d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers

interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Audrey C. Ormerod, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM-MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310-0600; (703) 692-9223; Corps of Engineers: Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, Washington, DC 20314-1000; (202) 761-7425; U.S. Navy: Warren Meekins, Dept. of Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374-5065; (202) 685-9305; U.S. Air Force: Kathryn M. Halvorson, Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209-2802; (703) 696-5501; GSA: John Kelly, Office of Property Disposal, GSA, 18th and F Streets, NW., Washington, DC 20405; (202) 501-0084; Dept. of Veterans Affairs: Amelia McLellan, Real Property Service, Dept. of Veterans Affairs, room 419, 810 Vermont Ave., NW., Washington, DC 20420; (202) 565-5398; Dept. of Energy: Andy Duran, Office of Engineering & Construction Management, ME-90, Washington, DC 20585; (202) 586-4548; Dept. of Agriculture: Marsha Pruitt, Reporters Building, 300 7th St., SW., Rm. 310B, Washington, DC 20250; (202) 720-4335; Dept. of the Interior: Linda Tribby, Acquisition & Property Management, Dept. of the Interior, 1849 C St., NW., MS 5512, Washington, DC 20240; (202) 219-0728; (These are not toll-free numbers).

Dated: February 2, 2006.

**Mark R. Johnston,**  
*Acting Deputy Assistant, Secretary for Special Needs.*

**Title V Properties Reported in Year 2005 Which Are Suitable and Available**

*Agriculture*

California

Building

4 Bldgs.  
Work Center  
13280 Paskenta Road  
Paskenta Co: CA 96074-  
Property No.: 15200510001  
Status: Unutilized  
Comment: Ranger residence, residence, barrack, storage, possible asbestos/presence of lead paint, need rehab

*Air Force*

Alaska

Building

Bldg. 7525  
Elmendorf AFB  
Elmendorf AFB AK 99506-  
Property No.: 18200230009  
Status: Unutilized  
Comment: 26,226 sq. ft., need rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

Hawaii

Building

Bldg. 849  
Bellows AFS  
Bellows AFS HI  
Property No.: 18200330008  
Status: Unutilized  
Comment: 462 sq. ft., concrete storage facility

Missouri

Building

Bldgs. 90A/B, 91A/B, 92A/B  
Jefferson Barracks Housing  
St. Louis MO 63125-  
Property No.: 18200220002  
Status: Excess  
Comment: 6450 sq. ft., needs repair, includes 2 acres

New York

Building

Bldg. 240  
Rome Lab  
Rome Co: Oneida NY 13441-  
Property No.: 18200340023  
Status: Unutilized  
Comment: 39108 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 247

Rome Lab  
Rome Co: Oneida NY 13441-  
Property No.: 18200340024  
Status: Unutilized  
Comment: 13199 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 248

Rome Lab  
Rome Co: Oneida NY 13441-  
Property No.: 18200340025  
Status: Unutilized

Comment: 4000 sq. ft., presence of asbestos, most recent use—Electronic Research Lab

Bldg. 302

Rome Lab

Rome Co: Oneida NY 13441-

Property No.: 18200340026

Status: Unutilized

Comment: 10288 sq. ft., presence of asbestos, most recent use—communications facility

South Carolina

Building

24 Bldgs.

Hunley Park/Charleston AFB

Idaho Ave., Unit Type 3S

N. Charleston Co: SC 29404-4827

Property No.: 18200430011

Status: Excess

Comment: 1624 sq. ft., needs extensive repair, presence of asbestos/lead paint, most recent use—residential, off-site use only

6 Bldgs.

Hunley Park/Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430012

Location: 3510, 3514, 3517, 3528, 3533, 3538

Status: Excess

Comment: 1684 sq. ft., needs extensive repair, presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 3601

Hunley Park/Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430013

Status: Excess

Comment: 1902 sq. ft., needs extensive repair, presence of asbestos/lead paint, most recent use—residential, off-site use only

5 Bldgs.

Hunley Park/Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430014

Location: 3524, 3603, 3605, 3607, 3608

Status: Excess

Comment: 1788 sq. ft., needs extensive repair, presence of asbestos/lead paint, most recent use—residential, off-site use only

5 Bldgs.

Hunley Park/Charleston AFB

Unit Type 4J

N. Charleston Co: SC 29404-

Property No.: 18200430022

Status: Excess

Comment: 3423 sq. ft., needs extensive repair, presence of asbestos/lead paint, most recent use—residential, off-site use only

7 Bldgs.

Charleston AFB

Floor Plan 1

N. Charleston Co: SC 29404-4827

Property No.: 18200430023

Status: Excess

Comment: 2135 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

11 Bldgs.

Charleston AFB

Floor Plan 4AR

N. Charleston Co: SC 29404-

Property No.: 18200430024

Status: Excess

Comment: 2652 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

4 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430025

Location: 2314A/B, 2327A/B, 2339A/B, 2397A/B

Status: Excess

Comment: 2722 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

5 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430026

Location: 2311A/B, 2322A/B, 2329A/B, 2385A/B, 2399A/B

Status: Excess

Comment: 2642 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

4 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430027

Location: 2315A/B, 2323A/B, 2330A/B, 2387A/B

Status: Excess

Comment: 2756 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

3 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430028

Location: 2321A/B, 2326A/B, 2336A/B

Status: Excess

Comment: 2766 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 2331A/B

Charleston AFB

N. Charleston Co: SC 29494-

Property No.: 18200430029

Status: Excess

Comment: 2803 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 2341A/B

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430030

Status: Excess

Comment: 2715 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

6 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430031

Location: 2346, 2354, 2363, 2382, 2389, 2396

Status: Excess

Comment: 1394 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

15 Bldgs.

Charleston AFB

Floor Plan 6A

N. Charleston Co: SC 29404-

Property No.: 18200430032

Status: Excess

Comment: 1378 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

12 Bldgs.

Charleston AFB

Floor Plan 6B

N. Charleston Co: SC 29404-

Property No.: 18200430033

Status: Excess

Comment: 1387 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

13 Bldgs.

Charleston AFB

Floor Plan 1-1

N. Charleston Co: SC 29404-

Property No.: 18200430034

Status: Excess

Comment: 2305 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

Bldg. 2377

Charleston AFB

N. Charleston Co: SC 29404-

Property No.: 18200430035

Status: Excess

Comment: 1662 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

10 Bldgs.

Charleston AFB

Floor Plan D6

N. Charleston Co: SC 29204-

Property No.: 18200430036

Status: Excess

Comment: 1241 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

7 Bldgs.

Charleston AFB

Floor Plan DIV

N. Charleston Co: SC 29404-

Property No.: 18200430038

Status: Excess

Comment: 1250 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

7 Bldgs.

Charleston AFB

Floor Plan E6

N. Charleston Co: SC 29204-

Property No.: 18200430040

Status: Excess

Comment: 1249 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

11 Bldgs.

Charleston AFB

Floor Plan F6

N. Charleston Co: SC 29404-

Property No.: 18200430041

Status: Excess

Comment: 1249 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

11 Bldgs.

Charleston AFB

Floor Plan G6

N. Charleston Co: SC 29404-

Property No.: 18200430042

Status: Excess

Comment: 1390 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only

- 9 Bldgs.  
Charleston AFB  
Floor Plan GV  
N. Charleston Co: SC 29404-  
Property No.: 18200430043  
Status: Excess  
Comment: 1390 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 8 Bldgs.  
Charleston AFB  
Floor Plan H6  
N. Charleston Co: SC 29404-  
Property No.: 18200430044  
Status: Excess  
Comment: 1396 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- Bldgs. 1841A/B, 1849A/B  
Charleston AFB  
N. Charleston Co: SC 29404-  
Property No.: 18200430045  
Status: Excess  
Comment: 2249 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 9 Bldgs.  
Charleston AFB  
Floor Plan I6  
N. Charleston Co: SC 29404-  
Property No.: 18200430046  
Status: Excess  
Comment: 1400 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 7 Bldgs.  
Charleston AFB  
Floor Plan IV  
N. Charleston Co: SC 29404-  
Property No.: 18200430047  
Status: Excess  
Comment: 1400 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 4 Bldgs.  
Charleston AFB  
N. Charleston Co: SC 29404-  
Property No.: 18200430048  
Location: 1846A/B, 1853A/B, 1862A/B,  
2203A/B  
Status: Excess  
Comment: 2363 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 40 Bldgs.  
Charleston AFB  
Floor Plan 2A  
N. Charleston Co: SC 29404-  
Property No.: 18200430049  
Status: Excess  
Comment: 2387 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- Bldg. 1765A/B  
Charleston AFB  
N. Charleston Co: SC 29404-  
Property No.: 18200430050  
Status: Excess  
Comment: 2558 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 42 Bldgs.  
Charleston AFB  
Floor Plan 2R  
N. Charleston Co: SC 29404-  
Property No.: 18200430051  
Status: Excess  
Comment: 2558 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- Bldg. 1828A/B  
Charleston AFB  
N. Charleston Co: SC 29404-  
Property No.: 18200430052  
Status: Excess  
Comment: 2330 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- 3 Bldgs.  
Charleston AFB  
N. Charleston Co: SC 29404-  
Property No.: 18200430053  
Location: 2309A/B, 2320A/B, 2335A/B  
Status: Excess  
Comment: 2766 sq. ft., presence of asbestos/  
lead paint, most recent use—residential,  
off-site use only
- South Dakota  
Land  
S. Nike Ed. Annex Land  
Ellsworth AFB  
Pennington SD 57706-  
Property No.: 18200220010  
Status: Unutilized  
Comment: 7 acres w/five foundations from  
demolished bldgs. remain on site; with a  
road and a parking lot
- Army  
Alaska  
Building  
Armory  
NG Noorvik  
Noorvik AK 99763-  
Property No.: 21200110075  
Status: Unutilized  
Comment: 1200 sq. ft., most recent use—  
armory, off-site use only
- Bldg. 00001  
Kiana Natl Guard Armory  
Kiana AK 99749-  
Property No.: 21200340075  
Status: Excess  
Comment: 1200 sq. ft., butler bldg., needs  
repair, off-site use only
- Bldg. 00001  
Wainwright Armory  
Wainwright Co: AK 99782-  
Property No.: 21200510055  
Status: Excess  
Comment: 1200 sq. ft., presence of asbestos,  
most recent use—storage
- Arizona  
Building  
Bldg. 30012, Fort Huachuca  
Sierra Vista Co: Cochise AZ 85635-  
Property No.: 21199310298  
Status: Excess  
Comment: 237 sq. ft., 1-story block, most  
recent use—storage
- Bldg. S-306  
Yuma Proving Ground  
Yuma Co: Yuma/La Paz AZ 85365-9104  
Property No.: 21199420346  
Status: Unutilized
- Comment: 4103 sq. ft., 2-story, needs major  
rehab, off-site use only
- Bldg. 503, Yuma Proving Ground  
Yuma Co: Yuma AZ 85365-9104  
Property No.: 21199520073  
Status: Underutilized  
Comment: 3789 sq. ft., 2-story, major  
structural changes required to meet floor  
loading & fire code requirements, presence  
of asbestos, off-site use only
- Bldg. 43002  
Fort Huachuca  
Cochise Co: AZ 85613-7010  
Property No.: 21200440066  
Status: Excess  
Comment: 23,152 sq. ft., presence of  
asbestos/lead paint, most recent use—  
dining, off-site use only
- Bldg. 66150  
Fort Huachuca  
Cochise Co: AZ 85613-  
Property No.: 21200540079  
Status: Excess  
Comment: 4027 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 90335  
Fort Huachuca  
Cochise Co: AZ 85613-  
Property No.: 21200540080  
Status: Excess  
Comment: 456 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 90336  
Fort Huachuca  
Cochise Co: AZ 85613-  
Property No.: 21200540081  
Status: Excess  
Comment: 8339 sq. ft., most recent use—  
storage, off-site use only
- California  
Building  
Bldgs. 18026, 18028  
Camp Roberts  
Monterey CA 93451-5000  
Property No.: 21200130081  
Status: Excess  
Comment: 2024 sq. ft. & 487 sq. ft., concrete,  
poor condition, off-site use only
- Colorado  
Building  
Bldg. T-108  
Fort Carson  
Ft. Carson Co: El Paso CO 80913-  
Property No.: 21200130083  
Status: Unutilized  
Comment: 9000 sq. ft., poor condition,  
possible asbestos/lead paint, most recent  
use—storage, off-site use only
- Bldg. T-209  
Fort Carson  
Ft. Carson Co: El Paso CO 80913-  
Property No.: 21200130084  
Status: Unutilized  
Comment: 400 sq. ft., poor condition,  
possible asbestos/lead paint, most recent  
use—maint. shop, off-site use only
- Bldg. T-217  
Fort Carson  
Ft. Carson Co: El Paso CO 80913-  
Property No.: 21200130085  
Status: Unutilized

Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T-218

Fort Carson

Ft. Carson Co: El Paso CO 80913-

Property No.: 21200130086

Status: Unutilized

Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T-220

Fort Carson

Ft. Carson Co: El Paso CO 80913-

Property No.: 21200130087

Status: Unutilized

Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. T-6001

Fort Carson

Ft. Carson Co: El Paso CO 80913-

Property No.: 21200130088

Status: Unutilized

Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Bldg. S6263

Fort Carson

Ft. Carson Co: El Paso CO 80913-

Property No.: 21200310051

Status: Unutilized

Comment: 24,902 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—offices, off-site use only

Bldg. S6268

Fort Carson

Ft. Carson Co: El Paso CO 80913-

Property No.: 21200340085

Status: Unutilized

Comment: 840 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 25, 26, 27

Pueblo Chemical Depot

Pueblo CO 81006-

Property No.: 21200420178

Status: Unutilized

Comment: 1311 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 00127

Pueblo Chemical Depot

Pueblo CO 81006-

Property No.: 21200420179

Status: Unutilized

Comment: 8067 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

Georgia

Building

Bldg. 4963, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220710

Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 2396, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220712

Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 4967, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220728

Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4944, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220747

Status: Unutilized

Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only

Bldg. 4964, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220763

Status: Unutilized

Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4945, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199220779

Status: Unutilized

Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4023, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199310461

Status: Unutilized

Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199310462

Status: Unutilized

Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4051, Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199520175

Status: Unutilized

Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199720156

Status: Unutilized

Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2593

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199720167

Status: Unutilized

Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595

Fort Benning

Ft. Benning Co: Muscogee GA 3190

Property No.: 21199720168

Status: Unutilized

Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4476

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199720184

Status: Unutilized

Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

Bldg. 92

Fort Benning

Co: Muscogee GA 31905-

Property No.: 21199830278

Status: Unutilized

Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 4232

Fort Benning

Co: Muscogee GA 31905-

Property No.: 21199830291

Status: Unutilized

Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 2288

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930123

Status: Unutilized

Comment: 2481 sq. ft., most recent use—admin., off-site use only

Bldg. 2293

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930125

Status: Unutilized

Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930126

Status: Unutilized

Comment: 5156 sq. ft., most recent use—admin

Bldg. 2508

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930128

Status: Unutilized

Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930129

Status: Unutilized

Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930130

Status: Unutilized

Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930131

Status: Unutilized

Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldgs. 5974-5978

Fort Benning

Ft. Benning Co: Muscogee GA 31905-

Property No.: 21199930135

Status: Unutilized

Comment: 400 sq. ft., most recent use—storage, off-site use only

- Bldg. 5993  
Fort Benning  
Ft. Benning Co: Muscogee GA 31905-  
Property No.: 21199930136  
Status: Unutilized  
Comment: 960 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 5994  
Fort Benning  
Ft. Benning Co: Muscogee GA 31905-  
Property No.: 21199930137  
Status: Unutilized  
Comment: 2016 sq. ft., most recent use—  
storage, off-site use only
- Bldg. T-1003  
Fort Stewart  
Hinesville Co: Liberty GA 31514-  
Property No.: 21200030085  
Status: Excess  
Comment: 9267 sq. ft., poor condition, most  
recent use—admin., off-site use only
- Bldg. T0130  
Fort Stewart  
Hinesville Co: Liberty GA 31314-5136  
Property No.: 21200230041  
Status: Excess  
Comment: 10,813 sq. ft., off-site use only
- Bldg. T0157  
Fort Stewart  
Hinesville Co: Liberty GA 31314-5136  
Property No.: 21200230042  
Status: Excess  
Comment: 1440 sq. ft., off-site use only
- Bldgs. T291, T292  
Fort Stewart  
Hinesville Co: Liberty GA 31314-5136  
Property No.: 21200230044  
Status: Excess  
Comment: 5220 sq. ft. each, off-site use only
- Bldg. T0295  
Fort Stewart  
Hinesville Co: Liberty GA 31314-5136  
Property No.: 21200230045  
Status: Excess  
Comment: 5220 sq. ft., off-site use only
- Bldgs. 00064, 00065  
Camp Frank D. Merrill  
Dahlonega Co: Lumpkin GA 30597-  
Property No.: 21200330108  
Status: Unutilized  
Comment: 648 sq. ft. each, concrete block,  
most recent use—water support treatment  
bldg., off-site use only
- Bldg. P1450  
Hunter Army Airfield  
Garrison Co: Chatham GA 31409-  
Property No.: 21200420027  
Status: Excess  
Comment: 100,230 sq. ft., most recent use—  
health clinic, off-site use only
- Bldg. 4151  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420032  
Status: Excess  
Comment: 3169 sq. ft., most recent use—  
battle lab, off-site use only
- Bldg. 4152  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420033  
Status: Excess  
Comment: 721 sq. ft., most recent use—battle  
lab, off-site use only
- Bldg. 4476  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420034  
Status: Excess  
Comment: 3148 sq. ft., most recent use—veh.  
maint. shop, off-site use only
- Bldg. 8771  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420044  
Status: Excess  
Comment: 972 sq. ft., most recent use—RH/  
TGT house, off-site use only
- Bldg. 9029  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420050  
Status: Excess  
Comment: 7356 sq. ft., most recent use—heat  
plant bldg., off-site use only
- Bldg. 11370  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200420051  
Status: Excess  
Comment: 9602 sq. ft., most recent use—nco/  
enl bldg., off-site use only
- Bldg. T924  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420194  
Status: Excess  
Comment: 9360 sq. ft., most recent use—  
warehouse, off-site use only
- Bldg. 00924  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200510065  
Status: Excess  
Comment: 9360 sq. ft., most recent use—  
warehouse, off-site use only
- Bldg. 05955  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520097  
Status: Unutilized  
Comment: 95 sq. ft., poor condition, most  
recent use—dispatch, off-site use only
- Bldg. 9012  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520098  
Status: Unutilized  
Comment: 40,442 sq. ft., poor condition, most  
recent use—enlisted housing, off-site use  
only
- Bldg. 9016  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520101  
Status: Unutilized  
Comment: 6138 sq. ft., poor condition, most  
recent use—BN HQ Bldg., off-site use only
- Bldg. 9019  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520102  
Status: Unutilized  
Comment: 7243 sq. ft., poor condition, most  
recent use—BN HQ Bldg., off-site use only
- Bldgs. 9027, 9036, 9044  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520103  
Status: Unutilized  
Comment: various sq. ft., poor condition,  
most recent use—CO HQ Bldg., off-site use  
only
- Bldg. 9100  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520107  
Status: Unutilized  
Comment: 4875 sq. ft., poor condition, most  
recent use—BDE HQ Bldg., off-site use  
only
- Bldgs. 9198, 9199  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520108  
Status: Unutilized  
Comment: 1008 sq. ft., poor condition, most  
recent use—admin., off-site use only
- Bldg. 10642  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520111  
Status: Unutilized  
Comment: 176 sq. ft., poor condition, most  
recent use—storage shed, off-site use only
- Bldg. 01199  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530072  
Status: Excess  
Comment: 224 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 01202  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530073  
Status: Excess  
Comment: 1014 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 01203  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530074  
Status: Excess  
Comment: 18,822 sq. ft., most recent use—  
vehicle maintenance, off-site use only
- Bldg. 01226  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530075  
Status: Excess  
Comment: 1092 sq. ft., most recent use—  
plant, off-site use only
- Bldg. 01296  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530076  
Status: Excess  
Comment: 269 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 01283  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530077  
Status: Excess  
Comment: 1350 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 08585  
Hunter Army Airfield  
Savannah Co: Chatham GA 31409-  
Property No.: 21200530078  
Status: Excess



Comment: 165 sq. ft., most recent use—plant, off-site use only

Land

Land (Railbed)

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199440440

Status: Unutilized

Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii

Building

P–88

Aliamanu Military Reservation

Honolulu Co: Honolulu HI 96818–

Property No.: 21199030324

Location: Approximately 600 feet from Main Gate on Aliamanu Drive.

Status: Unutilized

Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Illinois

Building

Bldg. 54

Rock Island Arsenal

Rock Island Co: Rock Island IL 61299–

Property No.: 21199620666

Status: Unutilized

Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112

Sheridan Reserve

Arlington Heights IL 60052–2475

Property No.: 21200110081

Status: Unutilized

Comment: 1000 sq. ft., off-site use only

Iowa

Building

Bldg. 00691

Iowa Army Ammo Plant

Middletown Co: Des Moines IA 52638–

Property No.: 21200510073

Status: Unutilized

Comment: 2581 sq. ft., residence, presence of lead paint, possible asbestos

Bldg. 00691

Iowa Army Ammo Plant

Middletown Co: Des Moines IA 52638–

Property No.: 21200520113

Status: Unutilized

Comment: 2581 sq. ft., presence of asbestos/lead paint, most recent use—residential

Kentucky

Building

Bldgs. 00023, 00024, 00025

Blue Grass Army Depot

Richmond Co: Madison KY 40475–

Property No.: 21200540082

Status: Excess

Comment: 5530/2036/1062 sq. ft., most recent use—admin offices, off-site use only

Bldg. 00032

Blue Grass Army Depot

Richmond Co: Madison KY 40475–

Property No.: 21200540083

Status: Excess

Comment: 153 sq. ft., most recent use—depot access control, off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk

Ft. Polk Co: Vernon Parish LA 71459–

Property No.: 21199640528

Status: Underutilized

Comment: 4172 sq. ft., most recent use—barracks

Bldg. T7125

Fort Polk

Ft. Polk Co: LA 71459–

Property No.: 21200540088

Status: Unutilized

Comment: 1875 sq. ft., off-site use only

Bldgs. T7163, T8043

Fort Polk

Ft. Polk Co: LA 71459–

Property No.: 21200540089

Status: Unutilized

Comment: 4073/1923 sq. ft., off-site use only

Maryland

Building

Bldg. 0459B

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120106

Status: Unutilized

Comment: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120107

Status: Unutilized

Comment: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E3728

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120109

Status: Unutilized

Comment: 2596 sq. ft., presence of asbestos/lead paint, most recent use—testing facility, off-site use only

Bldg. E5239

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120113

Status: Unutilized

Comment: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120114

Status: Unutilized

Comment: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–5001

Property No.: 21200120115

Status: Unutilized

Comment: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 219

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–

Property No.: 21200140078

Status: Unutilized

Comment: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 294

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–

Property No.: 21200140081

Status: Unutilized

Comment: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 949

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–

Property No.: 21200140083

Status: Unutilized

Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 979

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–

Property No.: 21200140084

Status: Unutilized

Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1007

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–

Property No.: 21200140085

Status: Unutilized

Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2214

Fort George G. Meade

Fort Meade Co: Anne Arundel MD 20755–

Property No.: 21200230054

Status: Unutilized

Comment: 7740 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00375

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–

Property No.: 21200320107

Status: Unutilized

Comment: 64 sq. ft., most recent use—storage, off-site use only

Bldg. 0385A

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–

Property No.: 21200320110

Status: Unutilized

Comment: 944 sq. ft., off-site use only

Bldg. 00523

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–

Property No.: 21200320113

Status: Unutilized

Comment: 3897 sq. ft., most recent use—paint shop, off-site use only

Bldg. 00649

Aberdeen Proving Ground

Aberdeen Co: Harford MD 21005–

Property No.: 21200320116

Status: Unutilized

Comment: 1079 sq. ft., most recent use—storage, off-site use only

Bldg. 00657

- Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320119  
Status: Unutilized  
Comment: 1048 sq. ft., most recent use—  
bunker, off-site use only
- Bldg. 0700B  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320121  
Status: Unutilized  
Comment: 505 sq. ft., off-site use only
- Bldg. 01113  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320128  
Status: Unutilized  
Comment: 1012 sq. ft., off-site use only
- Bldgs. 01124, 01132  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320129  
Status: Unutilized  
Comment: 740/2448 sq. ft., most recent use—  
lab, off-site use only
- Bldgs. 02373, 02378  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320130  
Status: Unutilized  
Comment: 8359 sq. ft., most recent use—  
training, off-site use only
- Bldg. 03558  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320133  
Status: Unutilized  
Comment: 18,000 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 05262  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320136  
Status: Unutilized  
Comment: 864 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 05608  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320137  
Status: Unutilized  
Comment: 1100 sq. ft., most recent use—  
maint bldg., off-site use only
- Bldg. E5108  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320147  
Status: Unutilized  
Comment: 5155 sq. ft., most recent use—  
recreation center, off-site use only
- Bldg. E5483  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320148  
Status: Unutilized  
Comment: 2140 sq. ft., most recent use—  
vehicle storage, off-site use only
- Bldg. E5645  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200320150  
Status: Unutilized  
Comment: 548 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 00435  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330111  
Status: Unutilized  
Comment: 1191 sq. ft., needs rehab, most  
recent use—storage, off-site use only
- Bldg. 0449A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330112  
Status: Unutilized  
Comment: 143 sq. ft., needs rehab, most  
recent use—substation switch bldg., off-site  
use only
- Bldg. 0460  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330114  
Status: Unutilized  
Comment: 1800 sq. ft., needs rehab, most  
recent use—electrical EQ bldg., off-site use  
only
- Bldg. 00914  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330118  
Status: Unutilized  
Comment: needs rehab, most recent use—  
safety shelter, off-site use only
- Bldg. 00915  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330119  
Status: Unutilized  
Comment: 247 sq. ft., needs rehab, most  
recent use—storage, off-site use only
- Bldg. 01189  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330126  
Status: Unutilized  
Comment: 800 sq. ft., needs rehab, most  
recent use—range bldg., off-site use only
- Bldg. E1413  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330127  
Status: Unutilized  
Comment: needs rehab, most recent use—  
observation tower, off-site use only
- Bldg. E2350A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330132  
Status: Unutilized  
Comment: 325 sq. ft., need rehab, most recent  
use—oil storage, off-site use only
- Bldg. 2456  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330133  
Status: Unutilized  
Comment: 4720 sq. ft., needs rehab, presence  
of asbestos/lead paint, most recent use—  
admin., off-site use only
- Bldg. E3175  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330134  
Status: Unutilized  
Comment: 1296 sq. ft., needs rehab, most  
recent use—hazard bldg., off-site use only
- 4 Bldgs.
- Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330135  
Location: E3224, E3228, E3230, E3232, E3234  
Status: Unutilized  
Comment: sq. ft. varies, needs rehab, most  
recent use—lab test bldgs., off-site use only
- Bldg. E3241  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330136  
Status: Unutilized  
Comment: 592 sq. ft., needs rehab, most  
recent use—medical res bldg., off-site use  
only
- Bldgs. E3269, E3270  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330138  
Status: Unutilized  
Comment: 200/1200 sq. ft., needs rehab, most  
recent use—flam. storage, off-site use only
- Bldg. E3300  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330139  
Status: Unutilized  
Comment: 44,352 sq. ft., needs rehab, most  
recent use—chemistry lab, off-site use only
- Bldg. E3335  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330144  
Status: Unutilized  
Comment: 400 sq. ft., needs rehab, most  
recent use—storage, off-site use only
- Bldgs. E3360, E3362, E3464  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330145  
Status: Unutilized  
Comment: 3588/236 sq. ft., needs rehab, most  
recent use—storage, off-site use only
- Bldg. E3542  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330148  
Status: Unutilized  
Comment: 1146 sq. ft., needs rehab, most  
recent use—lab test bldg., off-site use only
- Bldgs. 03554, 03556  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330149  
Status: Unutilized  
Comment: 18,000/9,000 sq. ft., needs rehab,  
most recent use—storage, off-site use only
- Bldg. E4420  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330151  
Status: Unutilized  
Comment: 14,997 sq. ft., needs rehab, most  
recent use—police bldg., off-site use only
- Bldg. E4733  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330152  
Status: Unutilized  
Comment: 2252 sq. ft., needs rehab, most  
recent use—flammable storage, off-site use  
only
- Bldg. E4734  
Aberdeen Proving Ground

- Aberdeen Co: Harford MD 21005-  
Property No.: 21200330153  
Status: Unutilized  
Comment: 1114 sq. ft., needs rehab, most recent use—private club, off-site use only  
4 Bldgs.  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330154  
Location: E5005, E5049, E5050, E5051  
Status: Unutilized  
Comment: sq. ft., varies, needs rehab, most recent use—storage, off-site use only  
Bldg. E5068  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330155  
Status: Unutilized  
Comment: 1200 sq. ft., needs rehab, most recent use—fire station, off-site use only  
Bldg. 05447  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330160  
Status: Unutilized  
Comment: 2464 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldgs. 05448, 05449  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330161  
Status: Unutilized  
Comment: 6431 sq. ft., needs rehab, most recent use—enlisted UHP, off-site use only  
Bldg. 05450  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330162  
Status: Unutilized  
Comment: 2730 sq. ft., needs rehab, most recent use—admin., off-site use only  
Bldgs. 05451, 05455  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330163  
Status: Unutilized  
Comment: 2730/6431 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. 05453  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330164  
Status: Unutilized  
Comment: 6431 sq. ft., needs rehab, most recent use—admin., off-site use only  
Bldgs. 05456, 05459, 05460  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330165  
Status: Unutilized  
Comment: 6431 sq. ft., needs rehab, most recent use—enlisted bldg., off-site use only  
Bldg. E5609  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330167  
Status: Unutilized  
Comment: 2053 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. E5611  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330168  
Status: Unutilized  
Comment: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only  
Bldg. E5634  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330169  
Status: Unutilized  
Comment: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only  
Bldg. E5654  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330171  
Status: Unutilized  
Comment: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. E5854  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330174  
Status: Unutilized  
Comment: 5166 sq. ft., needs rehab, most recent use—eng/MTN bldg., off-site use only  
Bldg. E5942  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330176  
Status: Unutilized  
Comment: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only  
Bldgs. E5952, E5953  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330177  
Status: Unutilized  
Comment: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only  
Bldgs. E7401, E7402  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330178  
Status: Unutilized  
Comment: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. E7407, E7408  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330179  
Status: Unutilized  
Comment: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only  
Bldg. E7931  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200330182  
Status: Unutilized  
Comment: needs rehab, most recent use—sewer treatment, off-site use only  
Bldg. 1145D  
Aberdeen Proving Ground  
Harford MD 21005-  
Property No.: 21200420054  
Status: Unutilized  
Comment: 898 sq. ft., most recent use—storage, off-site use only  
Bldg. 3070A  
Aberdeen Proving Ground  
Harford MD 21005-  
Property No.: 21200420055  
Status: Unutilized  
Comment: 2299 sq. ft., most recent use—heat plant, off-site use only  
Bldg. E5026  
Aberdeen Proving Ground  
Harford MD 21005-  
Property No.: 21200420056  
Status: Unutilized  
Comment: 20,536 sq. ft., most recent use—storage, off-site use only  
Bldg. 05261  
Aberdeen Proving Ground  
Harford MD 21005-  
Property No.: 21200420057  
Status: Unutilized  
Comment: 10067 sq. ft., most recent use—maintenance, off-site use only  
Bldgs. 00733, 00734  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200430063  
Status: Unutilized  
Comment: 136 sq. ft., each, most recent use—ammo storage, off-site use only  
Bldg. 0401A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440068  
Status: Unutilized  
Comment: 220 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. 0748A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440069  
Status: Unutilized  
Comment: 112 sq. ft., needs rehab, most recent use—shelter, off-site use only  
Bldg. 01198  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440070  
Status: Unutilized  
Comment: 168 sq. ft., needs rehab, most recent use—ordnance, off-site use only  
Bldg. 03557  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440071  
Status: Unutilized  
Comment: 340 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. E3732  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440072  
Status: Unutilized  
Comment: 1080 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. E5876  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200440073  
Status: Unutilized  
Comment: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. 00673  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200530079  
Status: Unutilized  
Comment: 3600 sq. ft., most recent use—ordnance, off-site use only  
Bldg. 00688  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005-  
Property No.: 21200530080

Status: Unutilized  
Comment: 24,192 sq. ft., most recent use—  
ammo, off-site use only

Bldg. 0739A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200530081  
Status: Unutilized  
Comment: 1474 sq. ft., most recent use—  
ordance, off-site use only

Bldg. E1511  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200530082  
Status: Unutilized  
Comment: 201 sq. ft., most recent use—  
access control, off-site use only

Bldg. 02832  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200530083  
Status: Unutilized  
Comment: 36 sq. ft., most recent use—access  
control, off-site use only

Bldg. 05655  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200530084  
Status: Unutilized  
Comment: 1610 sq. ft., most recent use—  
access control, off-site use only

Bldg. 0706A  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200540090  
Status: Unutilized  
Comment: 576 sq. ft., most recent use—firing  
barracks, off-site use only

Bldg. 04925  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200540091  
Status: Unutilized  
Comment: 1326 sq. ft., off-site use only

Bldg. E5001  
Aberdeen Proving Ground  
Aberdeen Co: Harford MD 21005—  
Property No.: 21200540092  
Status: Unutilized  
Comment: 400 sq. ft., most recent use—  
access control, off-site use only

#### Missouri

##### Building

Bldg. T1497  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65473—  
5000  
Property No.: 21199420441  
Status: Underutilized  
Comment: 4720 sq. ft., 2-story, presence of  
lead base paint, most recent use—admin/  
gen. purpose, off-site use only

Bldg. T2139  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65473—  
5000  
Property No.: 21199420446  
Status: Underutilized  
Comment: 3663 sq. ft., 1-story, presence of  
lead base paint, most recent use—admin/  
gen. purpose, off-site use only

Bldg. T2385  
Fort Leonard Wood

Ft. Leonard Wood Co: Pulaski MO 65473—  
Property No.: 21199510115  
Status: Excess  
Comment: 3158 sq. ft., 1-story, wood frame,  
most recent use—admin., to be vacated 8/  
95, off-site use only

Bldg. 2167  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65473—  
5000  
Property No.: 21199820179  
Status: Unutilized  
Comment: 1296 sq. ft., presence of asbestos/  
lead paint, most recent use—admin., off-  
site use only

Bldgs. 2192, 2196, 2198  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65473—  
5000  
Property No.: 21199820183  
Status: Unutilized  
Comment: 4720 sq. ft., presence of asbestos/  
lead paint, most recent use—barracks, off-  
site use only

12 Bldgs.  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200410110  
Location: 07036, 07050, 07054, 07102, 07400,  
07401, 08245, 08249, 08251, 08255, 08257,  
08261.

Status: Unutilized  
Comment: 7152 sq. ft., 6 plex housing  
quarters, potential contaminants, off-site  
use only

6 Bldgs.  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200410111  
Location: 07044, 07106, 07107, 08260, 08281,  
08300  
Status: Unutilized  
Comment: 9520 sq. ft., 8 plex housing  
quarters, potential contaminants, off-site  
use only

15 Bldgs.  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200410112  
Location: 08242, 08243, 08246—08248, 08250,  
08252—08254, 08256, 08258—08259,  
08262—08263, 08265

Status: Unutilized  
Comment: 4784 sq. ft., 4 plex housing  
quarters, potential contaminants, off-site  
use only

Bldgs. 08283, 08285  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944

Property No.: 21200410113  
Status: Unutilized  
Comment: 2240 sq. ft., 2 plex housing  
quarters, potential contaminants, off-site  
use only

15 Bldgs.  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
0827  
Property No.: 21200410114  
Location: 08267, 08269, 08271, 08273, 08275,  
08277, 08279, 08290—08296, 08301

Status: Unutilized  
Comment: 4784 sq. ft., 4 plex housing  
quarters, potential contaminants, off-site  
use only

Bldg. 09432  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200410115  
Status: Unutilized  
Comment: 8724 sq. ft., 6-plex housing  
quarters, potential contaminants, off-site  
use only

Bldgs. 5006 and 5013  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200430064  
Status: Unutilized  
Comment: 192 & 144 sq. ft., needs repair,  
most recent use—generator bldg., off-site  
use only

Bldgs. 13210, 13710  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743—  
8944  
Property No.: 21200430065  
Status: Unutilized  
Comment: 144 sq. ft., each, needs repair,  
most recent use—communication, off-site  
use only

#### Montana

##### Building

Bldg. 00405  
Fort Harrison  
Ft. Harrison Co: Lewis/Clark MT 59636—  
Property No.: 21200130099  
Status: Unutilized  
Comment: 3467 sq. ft., most recent use—  
storage, security limitations

Bldg. T0066  
Fort Harrison  
Ft. Harrison Co: Lewis/Clark MT 59636—  
Property No.: 21200130100  
Status: Unutilized  
Comment: 528 sq. ft., needs rehab, presence  
of asbestos, security limitations

Bldg. 00001  
Sheridan Hall USARC  
Helena Co: MT 59601—  
Property No.: 21200540093  
Status: Unutilized  
Comment: 19,321 sq. ft., most recent use—  
Reserve Center

Bldg. 00003  
Sheridan Hall USARC  
Helena Co: MT 59601—  
Property No.: 21200540094  
Status: Unutilized  
Comment: 1950 sq. ft., most recent use—  
maintenance/storage

#### New Jersey

##### Building

Bldg. 732  
Armament R&D Engineering Center  
Picatinny Arsenal Co: Morris NJ 07806—5000  
Property No.: 21199740315  
Status: Unutilized  
Comment: 9077 sq. ft., needs rehab, most  
recent use—storage, off-site use only

Bldg. 816C  
Armament R, D, & Eng. Center

Picatinny Arsenal Co: Morris NJ 07806-5000  
Property No.: 21200130103  
Status: Unutilized  
Comment: 144 sq. ft., most recent use—  
storage, off-site use only

## New Mexico

## Building

Bldg. 34198

White Sands Missile Range

Dona Ana NM 88002-

Property No.: 21200230062

Status: Excess

Comment: 107 sq. ft., most recent use—  
security, off-site use only

## New York

## Building

Bldg. 1227

U.S. Military Academy

Highlands Co: Orange NY 10996-1592

Property No.: 21200440074

Status: Unutilized

Comment: 3800 sq. ft., needs repair, possible  
asbestos/lead paint, most recent use—  
maintenance, off-site use only

Bldg. 2218

Stewart Newburg USARC

New Windsor Co: Orange NY 12553-9000

Property No.: 21200510067

Status: Unutilized

Comment: 32,000 sq. ft., poor condition,  
requires major repairs, most recent use—  
storage/services

## 7 Bldgs.

Stewart Newburg USARC

New Windsor Co: Orange NY 12553-9000

Property No.: 21200510068

Location: 2122, 2124, 2126, 2128, 2106, 2108,  
2104

Status: Unutilized

Comment: sq. ft. varies, poor condition,  
needs major repairs, most recent use—  
storage/services

## Tappan USARC

335 Western Hwy

Tappan Co: Rockland NY 10983-

Property No.: 21200510069

Status: Excess

Comment: 33,537 sq. ft., army reserve center

## Ohio

## Land

## Land

Defense Supply Center

Columbus Co: Franklin OH 43216-5000

Property No.: 21200340094

Status: Excess

Comment: 11 acres, railroad access

## Oklahoma

## Building

Bldg. T-838

Fort Sill

838 Macomb Road

Lawton Co: Comanche OK 73503-5100

Property No.: 21199220609

Status: Unutilized

Comment: 151 sq. ft., wood frame, 1 story,  
off-site removal only, most recent use—vet  
facility (quarantine stable)

Bldg. T-954

Fort Sill

954 Quinette Road

Lawton Co: Comanche OK 73503-5100

Property No.: 21199240659

Status: Unutilized

Comment: 3571 sq. ft., 1 story wood frame,  
needs rehab, off-site use only, most recent  
use—motor repair shop

Bldg. T-3325

Fort Sill

3325 Naylor Road

Lawton Co: Comanche OK 73503-5100

Property No.: 21199240681

Status: Unutilized

Comment: 8832 sq. ft., 1 story wood frame,  
needs rehab, off-site use only, most recent  
use—warehouse

Bldg. T-4226

Fort Sill

Lawton Co: Comanche OK 73503-

Property No.: 21199440384

Status: Unutilized

Comment: 114 sq. ft., 1-story wood frame,  
possible asbestos and lead paint, most  
recent use—storage, off-site use only

Bldg. P-1015

Fort Sill

Lawton Co: Comanche OK 73501-5100

Property No.: 21199520197

Status: Unutilized

Comment: 15402 sq. ft., 1-story, most recent  
use—storage, off-site use only

Bldg. P-366

Fort Sill

Lawton Co: Comanche OK 73503-

Property No.: 21199610740

Status: Unutilized

Comment: 482 sq. ft., possible asbestos, most  
recent use—storage, off-site use only

Building T-2952

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199710047

Status: Unutilized

Comment: 4,327 sq. ft., possible asbestos and  
leadpaint, most recent use—motor repair  
shop, off-site use only

Building P-5042

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199710066

Status: Unutilized

Comment: 119 sq. ft., possible asbestos and  
leadpaint, most recent use—heatplant, off-  
site use only

4 Buildings

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199710086

Location: T-6465, T-6466, T-6467, T-6468

Status: Unutilized

Comment: various sq. ft., possible asbestos  
and leadpaint, most recent use—range  
support, off site use only

Bldg. T-810

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730350

Status: Unutilized

Comment: 7205 sq. ft., possible asbestos/lead  
paint, most recent use—hay storage, off-site  
use only

Bldgs. T-837, T-839

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730351

Status: Unutilized

Comment: approx. 100 sq. ft. each, possible  
asbestos/lead paint, most recent use—  
storage, off-site use only

Bldg. P-934

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730353

Status: Unutilized

Comment: 402 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only

Bldgs. T-1468, T-1469

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730357

Status: Unutilized

Comment: 114 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only

Bldg. T-1470

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730358

Status: Unutilized

Comment: 3120 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only

Bldgs. T-1954, T-2022

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730362

Status: Unutilized

Comment: approx. 100 sq. ft. each, possible  
asbestos/lead paint, most recent use—  
storage, off-site use only

Bldg. T-2184

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730364

Status: Unutilized

Comment: 454 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only

Bldgs. T-2186, T-2188, T-2189

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730366

Status: Unutilized

Comment: 1656-3583 sq. ft., possible  
asbestos/lead paint, most recent use—  
vehicle maint. shop, off-site use only

Bldg. T-2187

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730367

Status: Unutilized

Comment: 1673 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only

Bldgs. T-2291 thru T-2296

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730372

Status: Unutilized

Comment: 400 sq. ft. each, possible asbestos/  
lead paint, most recent use—storage, off-  
site use only

Bldgs. T-3001, T-3006

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730383

Status: Unutilized

Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T-3314

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730385

Status: Unutilized

Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T-5041

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730409

Status: Unutilized

Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T-5420

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730414

Status: Unutilized

Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T-7775

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199730419

Status: Unutilized

Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

4 Bldgs.

Fort Sill

P-617, P-1114, P-1386, P-1608

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910133

Status: Unutilized

Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P-746

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910135

Status: Unutilized

Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P-2581, P-2773

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910140

Status: Unutilized

Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P-2582

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910141

Status: Unutilized

Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P-2912, P-2921, P-2944

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910144

Status: Unutilized

Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P-2914

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910146

Status: Unutilized

Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P-5101

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910153

Status: Unutilized

Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S-6430

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910156

Status: Unutilized

Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T-6461

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910157

Status: Unutilized

Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T-6462

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910158

Status: Unutilized

Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P-7230

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21199910159

Status: Unutilized

Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S-4023

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200010128

Status: Unutilized

Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P-747

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120120

Status: Unutilized

Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P-842

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120123

Status: Unutilized

Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T-911

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120124

Status: Unutilized

Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P-1672

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120126

Status: Unutilized

Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S-2362

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120127

Status: Unutilized

Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P-2589

Fort Sill

Lawton Co: Comanche OK 73503-5100

Property No.: 21200120129

Status: Unutilized

Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 01276, 01278

Fort Sill

Lawton Co: Comanche OK 73501-5100

Property No.: 21200520119

Status: Unutilized

Comment: 1533 & 2700 sq. ft., most recent use—maintenance, off-site use only

Pennsylvania

Building

5 Bldgs.

Carlisle Barracks 00441 thru 00445

Carlisle Co: Cumberland PA 17013-

Property No.: 21200430066

Status: Unutilized

Comment: 4238 sq. ft. each, presence of

asbestos, most recent use—residential, off-site use only

South Carolina

Building

Bldg. 3499

Fort Jackson

Ft. Jackson Co: Richland SC 29207-

Property No.: 21199730310

Status: Unutilized

Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441

Fort Jackson

Ft. Jackson Co: Richland SC 29207-

Property No.: 21199820187

Status: Unutilized

Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605

Fort Jackson

Ft. Jackson Co: Richland SC 29207-

Property No.: 21199820188

Status: Unutilized

Comment: 711 sq. ft., needs repair, most recent use—storage

- Bldg. 1765  
Fort Jackson  
Ft. Jackson Co: Richland SC 29207-  
Property No.: 21200030109  
Status: Unutilized  
Comment: 1700 sq. ft., need repairs, presence  
of asbestos/lead paint, most recent use—  
training bldg., off-site use only
- Land  
One Acre  
Fort Jackson  
Columbia Co: Richland SC 29207-  
Property No.: 21200110089  
Status: Underutilized  
Comment: approx. 1 acre  
Texas
- Building  
Bldg. 7137  
Fort Bliss  
El Paso Co: El Paso TX 79916-  
Property No.: 21199640564  
Status: Unutilized  
Comment: 35,736 sq. ft., 3-story, most recent  
use—housing, off-site use only
- Bldg. 92043  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200020206  
Status: Unutilized  
Comment: 450 sq. ft., most recent use—  
storage, off-site use only
- Bldg. 92044  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200020207  
Status: Unutilized  
Comment: 1920 sq. ft., most recent use—  
admin., off-site use only
- Bldg. 92045  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200020208  
Status: Unutilized  
Comment: 2108 sq. ft., most recent use—  
maint., off-site use only
- Bldg. 120  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220137  
Status: Unutilized  
Comment: 1450 sq. ft., most recent use—  
dental clinic, off-site use only
- Bldg. 56305  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220143  
Status: Unutilized  
Comment: 2160 sq. ft., most recent use—  
admin., off-site use only
- Bldgs. 56620, 56621  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220146  
Status: Unutilized  
Comment: 1120 sq. ft., most recent use—  
shower, off-site use only
- Bldgs. 56626, 5667  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220147  
Status: Unutilized  
Comment: 1120 sq. ft., most recent use—  
shower, off-site use only
- Bldg. 5668  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220148  
Status: Unutilized  
Comment: 1133 sq. ft., most recent use—  
shower, off-site use only
- Bldgs. 56636, 56637  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220150  
Status: Unutilized  
Comment: 1120 sq. ft., most recent use—  
shower, off-site use only
- Bldg. 56638  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220151  
Status: Unutilized  
Comment: 1133 sq. ft., most recent use—  
shower, off-site use only
- Bldgs. 56703, 56708  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220152  
Status: Unutilized  
Comment: 1306 sq. ft., most recent use—  
shower, off-site use only
- Bldg. 56758  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200220154  
Status: Unutilized  
Comment: 1133 sq. ft., most recent use—  
shower, off-site use only
- Bldgs. P6220, P6222  
Fort Sam Houston  
Camp Bullis  
San Antonio Co: Bexar TX  
Property No.: 21200330197  
Status: Unutilized  
Comment: 384 sq. ft., most recent use—  
carport/storage, off-site use only
- Bldgs. P6224, P6226  
Fort Sam Houston  
Camp Bullis  
San Antonio Co: Bexar TX  
Property No.: 21200330198  
Status: Unutilized  
Comment: 384 sq. ft., most recent use—  
carport/storage, off-site use only
- Bldg. 04200  
Fort Hood  
Ft. Hood Co: Bell TX 76544-  
Property No.: 21200420065  
Status: Unutilized  
Comment: 2100 sq. ft., presence of asbestos,  
most recent use—admin., off-site use only
- Land  
1 acre  
Fort Sam Houston  
San Antonio Co: Bexar TX 78234-  
Property No.: 21200440075  
Status: Excess  
Comment: 1 acre, grassy area  
Virginia
- Building  
Bldgs. 1516, 1517, 1552, 1567  
Fort Eustis  
Ft. Eustis VA 23604-  
Property No.: 21200130154  
Status: Unutilized
- Comment: 2892 & 4720 sq. ft., most recent  
use—dining/barracks/admin, off-site use  
only
- Bldg. 1559  
Fort Eustis  
Ft. Eustis VA 23604-  
Property No.: 21200130156  
Status: Unutilized  
Comment: 2892 sq. ft., most recent use—  
storage, off-site use only
- Bldg. T-707  
Fort Eustis  
Ft. Eustis VA 23604-  
Property No.: 21200330199  
Status: Unutilized  
Comment: 3763 sq. ft., most recent use—  
chapel, off-site use only
- Washington
- Building  
Bldg. CO909  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630205  
Status: Unutilized  
Comment: 1984 sq. ft., possible asbestos/lead  
paint, most recent use—admin., off-site use  
only
- Bldg. 1164  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630213  
Status: Unutilized  
Comment: 230 sq. ft., possible asbestos/lead  
paint, most recent use—storehouse, off-site  
use only
- Bldg. 1307  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630216  
Status: Unutilized  
Comment: 1092 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only
- Bldg. 1309  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630217  
Status: Unutilized  
Comment: 1092 sq. ft., possible asbestos/lead  
paint, most recent use—storage, off-site use  
only
- Bldg. 2167  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630218  
Status: Unutilized  
Comment: 288 sq. ft., possible asbestos/lead  
paint, most recent use—warehouse, off-site  
use only
- Bldg. 4078  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630219  
Status: Unutilized  
Comment: 10200 sq. ft., needs rehab, possible  
asbestos/lead paint, most recent use—  
warehouse, off-site use only
- Bldg. 9599  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-9500  
Property No.: 21199630220  
Status: Unutilized

- Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only  
Bldg. A1404  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199640570  
Status: Unutilized  
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only  
Bldg. EO347  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199710156  
Status: Unutilized  
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only  
Bldg. B1008  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199720216  
Status: Unutilized  
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only  
Bldgs. CO509, CO709, CO720  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199810372  
Status: Unutilized  
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only  
Bldg. 5162  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199830419  
Status: Unutilized  
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only  
Bldg. 5224  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199830433  
Status: Unutilized  
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only  
Bldg. U001B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920237  
Status: Excess  
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only  
Bldg. U001C  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920238  
Status: Unutilized  
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only  
10 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920239  
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C  
Status: Excess
- Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only  
6 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920240  
Location: U003A, U004B, U006C, U015B, U016B, U019B  
Status: Unutilized  
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only  
Bldg. U004D  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920241  
Status: Unutilized  
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only  
Bldg. U005A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920242  
Status: Unutilized  
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only  
7 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920245  
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A  
Status: Excess  
Comment: Needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only  
Bldg. U015J  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920246  
Status: Excess  
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only  
Bldg. U018B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920247  
Status: Unutilized  
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only  
Bldg. U018C  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920248  
Status: Unutilized  
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only  
Bldg. U024D  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920250  
Status: Unutilized  
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only  
Bldg. U027A  
Fort Lewis  
Ft. Lewis Co: Pierce WA  
Property No.: 21199920251
- Status: Excess  
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only  
Bldg. U031A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920253  
Status: Excess  
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only  
Bldg. U031C  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920254  
Status: Unutilized  
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only  
Bldg. U040D  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920255  
Status: Excess  
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only  
Bldgs. U052C, U052H  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920256  
Status: Excess  
Comment: Various sq. ft., needs repair; presence of asbestos/lead paint, most recent use—range house, off-site use only  
Bldgs. U035A, U035B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920257  
Status: Excess  
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only  
Bldg. U035C  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920258  
Status: Excess  
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only  
Bldg. U039A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920259  
Status: Excess  
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only  
Bldg. U039B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920260  
Status: Excess  
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only  
Bldg. U039C  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920261  
Status: Excess  
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only



- Bldg. U043A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920262  
Status: Excess  
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only
- Bldg. U052A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920263  
Status: Excess  
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only
- Bldg. U052E  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920264  
Status: Excess  
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. U052G  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920265  
Status: Excess  
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.
- 3 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920266  
Location: U058A, U103A, U018A  
Status: Excess  
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only
- Bldg. U059A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920267  
Status: Excess  
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only
- Bldg. U093B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920268  
Status: Excess  
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only
- 4 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920269  
Location:  
U101B, U101C, U507B, U557A  
Status: Excess  
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only
- Bldg. U110B  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920272  
Status: Excess  
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only
- 6 Bldgs.  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920273  
Location: U111A, U015A, U024E, U052F, U109A, U110A  
Status: Excess  
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only
- Bldg. U112A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920274  
Status: Excess  
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only
- Bldg. U115A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920275  
Status: Excess  
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only
- Bldg. U507A  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920276  
Status: Excess  
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only
- Bldg. C0120  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920281  
Status: Excess  
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only
- Bldg. 01205  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920290  
Status: Excess  
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only
- Bldg. 01259  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920291  
Status: Excess  
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. 01266  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920292  
Status: Excess  
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only
- Bldg. 1445  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920294  
Status: Excess  
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only
- Bldgs. 03091, 03099  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920296  
Status: Excess  
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only
- Bldg. 4040  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920298  
Status: Excess  
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only
- Bldgs. 4072, 5104  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920299  
Status: Excess  
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only
- Bldg. 4295  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920300  
Status: Excess  
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. 6191  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920303  
Status: Excess  
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only
- Bldgs. 08076, 08080  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920304  
Status: Excess  
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only
- Bldg. 08093  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920305  
Status: Excess  
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only
- Bldg. 8279  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920306  
Status: Excess  
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only
- Bldgs. 8280, 8291  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433-  
Property No.: 21199920307  
Status: Excess  
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. 8956  
Fort Lewis

- Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920308  
Status: Excess  
Comment: 100 sq. ft., needs repair, presence  
of asbestos/lead paint, most recent use—  
\*storage, off-site use only
- Bldg. 9530  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920309  
Status: Excess  
Comment: 64 sq. ft., needs repair, presence  
of asbestos/lead paint, most recent use—  
sentry station, off-site use only
- Bldg. 9574  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920310  
Status: Excess  
Comment: 6005 sq. ft., needs repair, presence  
of asbestos/lead paint, most recent use—  
veh. shop., off-site use only
- Bldg. 9596  
Fort Lewis  
Ft. Lewis Co: Pierce WA 98433–  
Property No.: 21199920311  
Status: Excess  
Comment: 36 sq. ft., needs repair, presence  
of asbestos/lead paint, most recent use—  
gas station, off-site use only
- COE**
- Arkansas
- Land
- Parcel 01  
DeGray Lake  
Section 12  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010071  
Status: Unutilized  
Comment: 77.6 acres
- Parcel 02  
DeGray Lake  
Section 13  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010072  
Status: Unutilized  
Comment: 198.5 acres
- Parcel 03  
DeGray Lake  
Section 18  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010073  
Status: Unutilized  
Comment: 50.46 acres
- Parcel 04  
DeGray Lake  
Section 24, 25, 30 and 31  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010074  
Status: Unutilized  
Comment: 236.37 acres
- Parcel 05  
DeGray Lake  
Section 16  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010075  
Status: Unutilized  
Comment: 187.30 acres
- Parcel 06  
DeGray Lake  
Section 13  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010076  
Status: Unutilized  
Comment: 13.0 acres
- Parcel 07  
DeGray Lake  
Section 34  
Arkadelphia Co: Hot Spring AR 71923–9361  
Property No.: 31199010077  
Status: Unutilized  
Comment: 0.27 acres
- Parcel 08  
DeGray Lake  
Section 13  
Arkadelphia Co: Clark AR 71923–9361  
Property No.: 31199010078  
Status: Unutilized  
Comment: 14.6 acres
- Parcel 09  
DeGray Lake  
Section 12  
Arkadelphia Co: Hot Spring AR 71923–9361  
Property No.: 31199010079  
Status: Unutilized  
Comment: 6.60 acres
- Parcel 10  
DeGray Lake  
Section 12  
Arkadelphia Co: Hot Spring AR 71923–9361  
Property No.: 31199010080  
Status: Unutilized  
Comment: 4.5 acres
- Parcel 11  
DeGray Lake  
Section 19  
Arkadelphia Co: Hot Spring AR 71923–9361  
Property No.: 31199010081  
Status: Unutilized  
Comment: 19.50 acres
- Lake Greeson  
Section 7, 8 and 18  
Murfreesboro Co: Pike AR 71958–9720  
Property No.: 31199010083  
Status: Unutilized  
Comment: 46 acres
- Georgia
- Building
- Bldg. W0–3  
West Point Lake  
West Point Co: GA 31833–  
Property No.: 31200520001  
Status: Unutilized  
Comment: 7 x 7 gatehouse, off-site use only
- Kansas
- Land
- Parcel 1  
El Dorado Lake  
Section 13, 24, and 18  
(See County) Co: Butler KS  
Property No.: 31199010064  
Status: Unutilized  
Comment: 61 acres; most recent use—  
recreation
- Kentucky
- Building
- Green River Lock & Dam #3  
Rochester Co: Butler KY 42273–  
Property No.: 31199010022  
Location: SR 70 west from Morgantown, KY.,  
approximately 7 miles to site.  
Status: Unutilized
- Comment: 980 sq. ft.; 2 story wood frame;  
two story residence; potential utilities;  
needs major rehab
- Land
- Tract 2625  
Barkley Lake, Kentucky, and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010025  
Location: Adjoining the village of Rockcastle.  
Status: Excess  
Comment: 2.57 acres; rolling and wooded
- Tract 2709–10 and 2710–2  
Barkley Lake, Kentucky and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010026  
Location: 2½ miles in a southerly direction  
from the village of Rockcastle.  
Status: Excess  
Comment: 2.00 acres; steep and wooded
- Tract 2708–1 and 2709–1  
Barkley Lake, Kentucky and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010027  
Location: 2½ miles in a southerly direction  
from the village of Rockcastle.  
Status: Excess  
Comment: 3.59 acres; rolling and wooded; no  
utilities
- Tract 2800  
Barkley Lake, Kentucky and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010028  
Location: 4½ miles in a southeasterly  
direction from the village of Rockcastle.  
Status: Excess  
Comment: 5.44 acres; steep and wooded
- Tract 2915  
Barkley Lake, Kentucky and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010029  
Location: 6½ miles west of Cadiz.  
Status: Excess  
Comment: 5.76 acres; steep and wooded; no  
utilities
- Tract 2702  
Barkley Lake, Kentucky and Tennessee  
Cadiz Co: Trigg KY 42211–  
Property No.: 31199010031  
Location: 1 mile in a southerly direction from  
the village of Rockcastle  
Status: Excess  
Comment: 4.90 acres; wooded; no utilities
- Tract 4318  
Barkley Lake, Kentucky and Tennessee  
Canton Co: Trigg KY 42212–  
Property No.: 31199010032  
Location: Trigg Co. adjoining the city of  
Canton, KY on the waters of Hopson Creek  
Status: Excess  
Comment: 8.24 acres; steep and wooded
- Tract 4502  
Barkley Lake, Kentucky and Tennessee  
Canton Co: Trigg KY 42212–  
Property No.: 31199010033  
Location: 3½ miles in a southerly direction  
from Canton, KY.  
Status: Excess  
Comment: 4.26 acres; steep and wooded
- Tract 4611  
Barkley Lake, Kentucky and Tennessee  
Canton Co: Trigg KY 42212–  
Property No.: 31199010034  
Location: 5 miles south of Canton, KY.  
Status: Excess

Comment: 10.51 acres; steep and wooded; no utilities

**Tract 4619**

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212-

Property No.: 31199010035

Location: 4½ miles south from Canton, KY.

Status: Excess

Comment: 2.02 acres; steep and wooded; no utilities

**Tract 4817**

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212-

Property No.: 31199010036

Location: 6½ miles south of Canton, KY

Status: Excess

Comment: 1.75 acres; wooded

**Tract 1217**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010042

Location: On the north side of the Illinois Central Railroad

Status: Excess

Comment: 5.80 acres; steep and wooded

**Tract 1906**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010044

Location: Approximately 4 miles east of Eddyville, KY.

Status: Excess

Comment: 25.86 acres; rolling steep and partially wooded; no utilities

**Tract 1907**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42038-

Property No.: 31199010045

Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.

Status: Excess

Comment: 8.71 acres; rolling steep and wooded; no utilities

**Tract 2001 #1**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010046

Location: Approximately 4½ miles east of Eddyville, KY.

Status: Excess

Comment: 47.42 acres; steep and wooded; no utilities

**Tract 2001 #2**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010047

Location: Approximately 4½ miles east of Eddyville, KY.

Status: Excess

Comment: 8.64 acres; steep and wooded; no utilities

**Tract 2005**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010048

Location: Approximately 5½ miles east of Eddyville, KY.

Status: Excess

Comment: 4.62 acres; steep and wooded; no utilities

**Tract 2307**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010049

Location: Approximately 7½ miles southeasterly of Eddyville, KY.

Status: Excess

Comment: 11.43 acres; steep; rolling and wooded; no utilities

**Tract 2403**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010050

Location: 7 miles southeasterly of Eddyville, KY.

Status: Excess

Comment: 1.56 acres; steep and wooded; no utilities

**Tract 2504**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010051

Location: 9 miles southeasterly of Eddyville, KY.

Status: Excess

Comment: 24.46 acres; steep and wooded; no utilities

**Tract 214**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199010052

Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River

Status: Excess

Comment: 5.5 acres; wooded; no utilities

**Tract 215**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199010053

Location: 5 miles southwest of Kuttawa

Status: Excess

Comment: 1.40 acres; wooded; no utilities

**Tract 241**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199010054

Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.

Status: Excess

Comment: 1.26 acres; steep and wooded; no utilities

**Tracts 306, 311, 315 and 325**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199010055

Location: 2.5 miles southwest of Kuttawa, KY on the waters of Cypress Creek.

Status: Excess

Comment: 38.77 acres; steep and wooded; no utilities

**Tracts 2305, 2306, and 2400-1**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030-

Property No.: 31199010056

Location: 6½ miles southeasterly of Eddyville, KY.

Status: Excess

Comment: 97.66 acres; steep rolling and wooded; no utilities

**Tracts 5203 and 5204**

Barkley Lake, Kentucky and Tennessee

Linton Co: Trigg KY 42212-

Property No.: 31199010058

Location: Village of Linton, KY state highway 1254.

Status: Excess

Comment: 0.93 acres; rolling, partially wooded; no utilities

**Tract 5240**

Barkley Lake, Kentucky and Tennessee

Linton Co: Trigg KY 42212-

Property No.: 31199010059

Location: 1 mile northwest of Linton, KY.

Status: Excess

Comment: 2.26 acres; steep and wooded; no utilities

**Tract 4628**

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212-

Property No.: 31199011621

Location: 4½ miles south from Canton, KY.

Status: Excess

Comment: 3.71 acres; steep and wooded; subject to utility easements

**Tract 4619-B**

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212-

Property No.: 31199011622

Location: 4½ miles south from Canton, KY.

Status: Excess

Comment: 1.73 acres; steep and wooded; subject to utility easements

**Tract 2403-B**

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42038-

Property No.: 31199011623

Location: 7 miles southeasterly from Eddyville, KY.

Status: Unutilized

Comment: 0.70 acres, wooded; subject to utility easements

**Tract 241-B**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199011624

Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.

Status: Excess

Comment: 11.16 acres; steep and wooded; subject to utility easements

**Tracts 212 and 237**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199011625

Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.

Status: Excess

Comment: 2.44 acres; steep and wooded; subject to utility easements

**Tract 215-B**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199011626

Location: 5 miles southwest of Kuttawa

Status: Excess

Comment: 1.00 acres; wooded; subject to utility easements

**Tract 233**

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045-

Property No.: 31199011627

Location: 5 miles southwest of Kuttawa

Status: Excess

Comment: 1.00 acres; wooded; subject to utility easements

**Tract N-819**

Dale Hollow Lake & Dam Project

Illwill Creek, Hwy 90

Hobart Co: Clinton KY 42601-

Property No.: 31199140009

Status: Underutilized

Comment: 91 acres, most recent use— hunting, subject to existing easements

- Portion of Lock & Dam No. 1  
Kentucky River  
Carrollton Co: Carroll KY 41008-0305  
Property No.: 31199320003  
Status: Unutilized  
Comment: approx. 3.5 acres (sloping), access monitored
- Tract No. F-610  
Buckhorn Lake Project  
Buckhorn KY 41721-  
Property No.: 31200240001  
Status: Unutilized  
Comment: 0.64 acres, encroachments, most recent use—flood control purposes
- Louisiana
- Land
- Wallace Lake Dam and Reservoir  
Shreveport Co: Caddo LA 71103-  
Property No.: 31199011009  
Status: Unutilized  
Comment: 10.81 acres; wildlife/forestry; no utilities
- Bayou Bodcau Dam and Reservoir  
Haughton Co: Caddo LA 71037-9707  
Property No.: 31199011010  
Location: 35 miles Northeast of Shreveport, La.  
Status: Unutilized  
Comment: 203 acres; wildlife/forestry; no utilities
- Mississippi
- Land
- Parcel 7  
Grenada Lake  
Sections 22, 23, T24N  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011019  
Status: Underutilized  
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994
- Parcel 8  
Grenada Lake  
Section 20, T24N  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011020  
Status: Underutilized  
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994
- Parcel 9  
Grenada Lake  
Section 20, T24N, R7E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011021  
Status: Underutilized  
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994
- Parcel 10  
Grenada Lake  
Sections 16, 17, 18 T24N R8E  
Grenada Co: Calhoun MS 38901-0903  
Property No.: 31199011022  
Status: Underutilized  
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994
- Parcel 2  
Grenada Lake  
Section 20 and T23N, R5E  
Grenada Co: Grenada MS 38901-0903
- Property No.: 31199011023  
Status: Underutilized  
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 3  
Grenada Lake  
Section 4, T23N, R5E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011024  
Status: Underutilized  
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease)
- Parcel 4  
Grenada Lake  
Section 2 and 3, T23N, R5E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011025  
Status: Underutilized  
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 5  
Grenada Lake  
Section 7, T24N, R6E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011026  
Status: Underutilized  
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease)
- Parcel 6  
Grenada Lake  
Section 9, T24N, R6E  
Grenada Co: Yalobusha MS 38903-0903  
Property No.: 31199011027  
Status: Underutilized  
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 11  
Grenada Lake  
Section 20, T24N, R8E  
Grenada Co: Calhoun MS 38901-0903  
Property No.: 31199011028  
Status: Underutilized  
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 12  
Grenada Lake  
Section 25, T24N, R7E  
Grenada Co: Yalobusha MS 38390-10903  
Property No.: 31199011029  
Status: Underutilized  
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 13  
Grenada Lake  
Section 34, T24N, R7E  
Grenada Co: Yalobusha MS 38903-0903  
Property No.: 31199011030  
Status: Underutilized  
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease)
- Parcel 14  
Grenada Lake  
Section 3, T23N, R6E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011031  
Status: Underutilized  
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 15  
Grenada Lake  
Section 4, T24N, R6E
- Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011032  
Status: Underutilized  
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 16  
Grenada Lake  
Section 9, T23N, R6E  
Grenada Co: Yalobusha MS 38901-0903  
Property No.: 31199011033  
Status: Underutilized  
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 17  
Grenada Lake  
Section 17, T23N, R7E  
Grenada Co: Grenada MS 28901-0903  
Property No.: 31199011034  
Status: Underutilized  
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 18  
Grenada Lake  
Section 22, T23N, R7E  
Grenada Co: Grenada MS 28902-0903  
Property No.: 31199011035  
Status: Underutilized  
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management
- Parcel 19  
Grenada Lake  
Section 9, T22N, R7E  
Grenada Co: Grenada MS 38901-0903  
Property No.: 31199011036  
Status: Underutilized  
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management
- Missouri
- Land
- Harry S Truman Dam & Reservoir  
Warsaw Co: Benton MO 65355-  
Property No.: 31199030014  
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry. Park Tract 150.  
Status: Underutilized  
Comment: 1.7 acres; potential utilities
- Montana
- Building
- Bldg. 1  
Butte Natl Guard  
Butte Co: Silverbow MT 59701-  
Property No.: 31200040010  
Status: Unutilized  
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only
- Bldg. 2  
Butte Natl Guard  
Butte Co: Silverbow MT 59701-  
Property No.: 31200040011  
Status: Unutilized  
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only
- Bldg. 3  
Butte Natl Guard  
Butte Co: Silverbow MT 59701-  
Property No.: 31200040012  
Status: Unutilized  
Comment: 964 sq. ft., most recent use—cold storage, off-site use only
- Bldg. 4

- Butte Natl Guard  
Butte Co: Silverbow MT 59701-  
Property No.: 31200040013  
Status: Unutilized  
Comment: 72 sq. ft., most recent use—cold storage, off-site use only
- Bldg. 5  
Butte Natl Guard  
Butte Co: Silverbow MT 59701-  
Property No.: 31200040014  
Status: Unutilized  
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only
- Ohio
- Building
- Barker Historic House  
Willow Island Locks and Dam  
Newport Co: Washington OH 45768-9801  
Property No.: 31199120018  
Location: Located at lock site, downstream of lock and dam structure  
Status: Unutilized  
Comment: 1600 sq. ft. bldg. with 1/2 acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only
- Structure
- Deer Creek Lake  
Mt. Sterling Co: Pickaway OH 43143-  
Property No.: 31200530001  
Status: Unutilized  
Comment: 1321 sq. ft., brick, off-site use only
- Residence 5037 Deer Road  
Bowerston Co: Carroll OH 44695-  
Property No.: 31200540007  
Status: Unutilized  
Comment: 2412 sq. ft., brick, needs repair, presence of asbestos, off-site use only
- Residence  
28700 Milarcik Road  
Tippecanoe Co: Harrison OH 44699-  
Property No.: 31200540008  
Status: Unutilized  
Comment: 2412 sq. ft., brick/masonry, off-site use only
- Structure  
21897 Deer Creek Road  
Mt. Sterling Co: Pickaway OH 43143-  
Property No.: 31200540009  
Status: Unutilized  
Comment: 1321 sq. ft., brick, off-site use only
- Oklahoma
- Land
- Pine Creek Lake  
Section 27  
(See County) Co: McCurtain OK  
Property No.: 31199010923  
Status: Unutilized  
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3
- Pennsylvania
- Building
- Mahoning Creek Reservoir  
New Bethlehem Co: Armstrong PA 16242-  
Property No.: 31199210008  
Status: Unutilized  
Comment: 1015 sq. ft., 2 story brick residence, off-site use only
- Dwelling
- Lock & Dam 6, Allegheny River, 1260 River Rd.  
Freeport Co: Armstrong PA 16229-2023  
Property No.: 31199620008  
Status: Unutilized  
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes
- Govt. Dwelling  
Youghiogheny River Lake  
Confluence Co: Fayette PA 15424-9103  
Property No.: 31199640002  
Status: Unutilized  
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential
- Dwelling  
Lock & Dam 4, Allegheny River  
Natrona Co: Allegheny PA 15065-2609  
Property No.: 31199710009  
Status: Unutilized  
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only
- Dwelling #1  
Crooked Creek Lake  
Ford City Co: Armstrong PA 16226-8815  
Property No.: 31199740002  
Status: Excess  
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only
- Dwelling #2  
Crooked Creek Lake  
Ford City Co: Armstrong PA 16226-8815  
Property No.: 31199740003  
Status: Excess  
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only
- Govt Dwelling  
East Branch Lake  
Wilcox Co: Elk PA 15870-9709  
Property No.: 31199740005  
Status: Underutilized  
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only
- Dwelling #1  
Loyalhanna Lake  
Saltsburg Co: Westmoreland PA 15681-9302  
Property No.: 31199740006  
Status: Excess  
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only
- Dwelling #2  
Loyalhanna Lake  
Saltsburg Co: Westmoreland PA 15681-9302  
Property No.: 31199740007  
Status: Excess  
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only
- Dwelling #1  
Woodcock Creek Lake  
Saegertown Co: Crawford PA 16433-0629  
Property No.: 31199740008  
Status: Excess  
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only
- Dwelling #2  
Lock & Dam 6, 1260 River Road  
Freeport Co: Armstrong PA 16229-2023  
Property No.: 31199740009  
Status: Excess
- Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only
- Dwelling #2  
Youghiogheny River Lake  
Confluence Co: Fayette PA 15424-9103  
Property No.: 31199830003  
Status: Excess  
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential
- Residence A  
2045 Pohopoco Drive  
Lehigh Co: Carbon PA 18235-  
Property No.: 31200410007  
Status: Unutilized  
Comment: 1200 sq. ft., presence of asbestos, off-site use only
- Land
- Mahoning Creek Lake  
New Bethlehem Co: Armstrong PA 16242-9603  
Property No.: 31199010018  
Location: Route 28 north to Belknap, Road #4  
Status: Excess  
Comment: 2.58 acres; steep and densely wooded
- Tracts 610, 611, 612  
Shenango River Lake  
Sharpsville Co: Mercer PA 16150-  
Property No.: 31199011001  
Location: I-79 North, I-80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.  
Status: Excess  
Comment: 24.09 acres; subject to flowage easement
- Tracts L24, L26  
Crooked Creek Lake  
Co: Armstrong PA 03051-  
Property No.: 31199011011  
Location: Left bank—55 miles downstream of dam.  
Status: Unutilized  
Comment: 7.59 acres; potential for utilities. Portion of Tract L-21A  
Crooked Creek Lake, LR 03051  
Ford City Co: Armstrong PA 16226-  
Property No.: 31199430012  
Status: Unutilized  
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights
- Tennessee
- Land
- Tract 6827  
Barkley Lake  
Dover Co: Stewart TN 37058-  
Property No.: 31199010927  
Location: 2 1/2 miles west of Dover, TN.  
Status: Excess  
Comment: .57 acres; subject to existing easements.
- Tracts 6002-2 and 6010  
Barkley Lake  
Dover Co: Stewart TN 37058-  
Property No.: 31199010928  
Location: 3 1/2 miles south of village of Tabaccoport.  
Status: Excess  
Comment: 100.86 acres; subject to existing easements
- Tract 11516  
Barkley Lake

Ashland City Co: Dickson TN 37015-  
Property No.: 31199010929  
Location: 1/2 mile downstream from  
Cheatham Dam  
Status: Excess  
Comment: 26.25 acres; subject to existing  
easements

Tract 2319  
J. Percy Priest Dam and Reservoir  
Murfreesboro Co: Rutherford TN 37130-  
Property No.: 31199010930  
Location: West of Buckeye Bottom Road  
Status: Excess  
Comment: 14.48 acres; subject to existing  
easements

Tract 2227  
J. Percy Priest Dam and Reservoir  
Murfreesboro Co: Rutherford TN 37130-  
Property No.: 31199010931  
Location: Old Jefferson Pike  
Status: Excess  
Comment: 2.27 acres; subject to existing  
easements

Tract 2107  
J. Percy Priest Dam and Reservoir  
Murfreesboro Co: Rutherford TN 37130-  
Property No.: 31199010932  
Location: Across Fall Creek near Fall Creek  
camping area.  
Status: Excess  
Comment: 14.85 acres; subject to existing  
easements

Tracts 2601, 2602, 2603, 2604  
Cordell Hull Lake and Dam Project  
Doe Row Creek  
Gainesboro Co: Jackson TN 38562-  
Property No.: 31199010933  
Location: TN Highway 56  
Status: Unutilized  
Comment: 11 acres; subject to existing  
easements

Tract 1911  
J. Percy Priest Dam and Reservoir  
Murfreesboro Co: Rutherford TN 37130-  
Property No.: 31199010934  
Location: East of Lamar Road  
Status: Excess  
Comment: 6.92 acres; subject to existing  
easements

Tract 7206  
Barkley Lake  
Dover Co: Stewart TN 37058-  
Property No.: 31199010936  
Location: 2 1/2 miles SE of Dover, TN.  
Status: Excess  
Comment: 10.15 acres; subject to existing  
easements

Tracts 8813, 8814  
Barkley Lake  
Cumberland Co: Stewart TN 37050-  
Property No.: 31199010937  
Location: 1 1/2 miles East of Cumberland City.  
Status: Excess  
Comment: 96 acres; subject to existing  
easements

Tract 8911  
Barkley Lake  
Cumberland City Co: Montgomery TN  
37050-  
Property No.: 31199010938  
Location: 4 miles east of Cumberland City.  
Status: Excess  
Comment: 7.7 acres; subject to existing  
easements

Tract 11503  
Barkley Lake  
Ashland City Co: Cheatham TN 37015-  
Property No.: 31199010939  
Location: 2 miles downstream from  
Cheatham Dam  
Status: Excess  
Comment: 1.1 acres; subject to existing  
easements

Tracts 11523, 11524  
Barkley Lake  
Ashland City Co: Cheatham TN 37015-  
Property No.: 31199010940  
Location: 2 1/2 miles downstream from  
Cheatham Dam.  
Status: Excess  
Comment: 19.5 acres; subject to existing  
easements

Tract 6410  
Barkley Lake  
Bumpus Mills Co: Stewart TN 37028-  
Property No.: 31199010941  
Location: 4 1/2 miles SW of Bumpus Mills.  
Status: Excess  
Comment: 17 acres; subject to existing  
easements

Tract 9707  
Barkley Lake  
Palmyer Co: Montgomery TN 37142-  
Property No.: 31199010943  
Location: 3 miles NE of Palmyer, TN.  
Highway 149  
Status: Excess  
Comment: 6.6 acres; subject to existing  
easements

Tract 6949  
Barkley Lake  
Dover Co: Stewart TN 37058-  
Property No.: 31199010944  
Location: 1 1/2 miles SE of Dover, TN.  
Status: Excess  
Comment: 29.67 acres; subject to existing  
easements

Tracts 6005 and 6017  
Barkley Lake  
Dover Co: Stewart TN 37058-  
Property No.: 31199011173  
Location: 3 miles south of Village of  
Tobaccoport.  
Status: Excess  
Comment: 5 acres; subject to existing  
easements

Tracts K-1191, K-1135  
Old Hickory Lock and Dam  
Hartsville Co: Trousdale TN 37074-  
Property No.: 31199130007  
Status: Underutilized  
Comment: 54 acres, (portion in floodway),  
most recent use—recreation

Tract A-102  
Dale Hollow Lake & Dam Project  
Canoe Ridge, State Hwy 52  
Celina Co: Clay TN 38551-  
Property No.: 31199140006  
Status: Underutilized  
Comment: 351 acres, most recent use—  
hunting, subject to existing easements

Tract A-120  
Dale Hollow Lake & Dam Project  
Swann Ridge, State Hwy No. 53  
Celina Co: Clay TN 38551-  
Property No.: 31199140007  
Status: Underutilized  
Comment: 883 acres, most recent use—  
hunting, subject to existing easements

Tract D-185  
Dale Hollow Lake & Dam Project  
Ashburn Creek, Hwy No. 53  
Livingston Co: Clay TN 38570-  
Property No.: 31199140010  
Status: Underutilized  
Comment: 97 acres, most recent use—  
hunting, subject to existing easements

Virginia

Building

Metal Bldg.

John H. Kerr Dam & Reservoir  
Co: Boydton VA  
Property No.: 31199620009  
Status: Excess  
Comment: 800 sq. ft., most recent use—  
storage, off-site use only

Commerce

North Carolina

Building

Caretaker's Residence  
101 Pivers Island Road  
Beaufort Co: Carteret NC 28506-  
Property No.: 27200510001  
Status: Excess  
Comment: 1900 sq. ft., off-site use only

Energy

Idaho

Building

Bldg. CF603

Idaho Natl Eng & Env Lab  
Scoville Co: Butte ID 83415-  
Property No.: 41200020004  
Status: Excess  
Comment: 15,005 sq. ft. cinder block,  
presence of asbestos/lead paint, major  
rehab, off-site use only

GSA

California

Building

Indian Creek Tullis Property

Hwy 299

Douglas City Co: Trinity CA 96024-0162  
Property No.: 54200540017  
Status: Surplus  
Comment: 919 sq. ft., residential bldg. and  
two garage/storage bldgs., off-site use only  
GSA Number: 9-I-CA-1652

Idaho

Land

2.3 acre parcel  
25822 Middleton Road  
Middleton Co: Canyon ID 83644-  
Property No.: 54200540006  
Status: Excess  
Comment: 2.3 acres  
GSA Number: 9-I-ID-558

Illinois

Building

SSA Federal Building

1530 4th Street

Peru Co: IL 61354-

Property No.: 54200540012

Status: Excess

Comment: 6007 sq. ft., most recent use—  
office/storage

- GSA Number : 1-G-IL-732  
Indiana  
Land  
Tanner's Creek  
Access Site off Rt. 50  
Lawrenceburg Co: IN  
Property No.: 54200430022  
Status: Excess  
Comment: 8.45 acres, boat launch, flowage easement  
GSA Number : 1-D-IN-571-C
- Michigan  
Land  
Lots 2-6  
Lawndale Park Addition  
Ludington Co: Mason MI 49431-  
Property No.: 54200540007.  
Status: Excess  
Comment: 0.81 acre—undeveloped  
GSA Number : 1-G-MI-537-2
- Minnesota  
Building  
Lakes Project Office  
307 Main Street East  
Remer Co: Cass MN  
Property No.: 54200410015  
Status: Surplus  
Comment: Office bldg/oil shed/maintenance garage, minor water damage  
GSA Number: 5-D-MN-548-A
- New Mexico  
Building  
Federal Building  
517 Gold Avenue, SW  
Albuquerque Co: Bernalillo NM 87102-  
Property No.: 54200540005  
Status: Excess  
Comment: 273,027 sq. ft., 8 floors + basement, top two floors structurally unsafe to occupy, 3 additional floors do not meet local code requirements for occupancy, presence of asbestos/lead paint  
GSA Number: 7-G-NM-0588
- Ohio  
Land  
Plats 9-72, 9-73  
Davis Street  
Niles Co: OH 44446-  
Property No.: 54200530007  
Status: Excess  
Comment: 12,082 sq. ft., narrow right of way, no utilities  
GSA Number: 1-1-OH-826
- Interior  
California  
Building  
Redwoods Office Bldg.  
8038 Chilnualna Falls Road.  
Yosemite Natl Park  
Wawona Co: Mariposa CA 95389-  
Property No.: 61200530005  
Status: Unutilized  
Comment: 1746 sq. ft., possible asbestos/lead paint, off-site use only  
Redwoods Bldg.  
8038 Chilnualna Falls Road  
Yosemite Natl Park  
Wawona Co: Mariposa CA 95389-
- Property No.: 61200530006  
Status: Unutilized  
Comment: 78 sq. ft., possible asbestos/lead paint, off-site use only
- Idaho  
Building  
Bldg. 79  
Section 9  
Portion of Tract C  
Paul Co: Jeromo ID 83347-  
Property No.: 61200520012  
Status: Unutilized  
Comment: 832 sq. ft., presence of asbestos/lead paint, most recent use—residence, off-site use only
- Maryland  
Building  
F. Boy Scouts Shed  
Tract 403-48  
Boonsboro Co: Washington MD  
Property No.: 61200540008  
Status: Excess  
Comment: 378 sq. ft., needs rehab, off-site use only  
Former Sera House  
Tract 405-66  
Middletown Co: Frederick MD 21769-  
Property No.: 61200540009  
Status: Excess  
Comment: 1480 sq. ft. residence, needs rehab, off-site use only  
Former Sera Shed  
Tract 405-66  
Middletown Co: Frederick MD 21769-  
Property No.: 61200540010  
Status: Excess  
Comment: 80 sq. ft., needs rehab, off-site use only
- New Jersey  
Building  
Former Mussina House  
Tract 307-21  
Wantage Co: Sussex NJ  
Property No.: 61200540005  
Status: Excess  
Comment: 1747 sq. ft. residence, needs rehab, off-site use only  
Former Mussina Garage  
Tract 307-21  
Wantage Co: Sussex NJ  
Property No.: 61200540006  
Status: Excess  
Comment: 730 sq. ft., needs rehab, off-site use only  
Former Mussina Shed  
Tract 307-21  
Wantage Co: Sussex NJ  
Property No.: 61200540007  
Status: Excess  
Comment: 480 sq. ft., needs rehab, off-site use only
- New York  
Building  
F. Baron-Sousa House  
Tract 284-43  
Warwick Co: Orange NY  
Property No.: 61200540002  
Status: Excess  
Comment: 1122 sq. ft. residence, needs rehab, presence of asbestos, off-site use only
- Former Fernau House  
Tract 284-45  
Warwick Co: Orange NY  
Property No.: 61200540003  
Status: Excess  
Comment: 2963 sq. ft. residence, needs rehab, presence of asbestos, off-site use only  
Former Fernau Garage  
Tract 284-45  
Warwick Co: Orange NY  
Property No.: 61200540004  
Status: Excess  
Comment: 840 sq. ft., needs rehab, off-site use only
- Texas  
Building  
Water Tower  
Lake Meredith Natl Rec Area  
Fritch Co: Hutchinson TX 79036-  
Property No.: 61200510002  
Status: Unutilized  
Comment: off-site use only
- Virginia  
Building  
Former C. Funk House  
Appalachian Natl Scenic Trail  
Rural Retreat Co: Smyth VA  
Property No.: 61200530007  
Status: Excess  
Comment: 1144 sq. ft., needs rehab, presence of asbestos, off-site use only  
Former Repass House  
Appalachian Natl Scenic Trail  
Rural Retreat Co: Smyth VA  
Property No.: 61200530008  
Status: Excess  
Comment: 2008 sq. ft., needs rehab, presence of asbestos, off-site use only  
Former Hoover House  
Appalachian Natl Scenic Trail  
Pearisburg Co: Giles VA  
Property No.: 61200530009  
Status: Excess  
Comment: 996 sq. ft., needs rehab, presence of lead paint, off-site use only  
Former Hoover Shed  
Appalachian Natl Scenic Trail  
Pearisburg Co: Giles VA  
Property No.: 61200530010  
Status: Excess  
Comment: 128 sq. ft., needs rehab, presence of lead paint, off-site use only  
Former Morse Cabin  
Appalachian Natl Scenic Trail  
Pearisburg Co: Giles VA  
Property No.: 61200530011  
Status: Excess  
Comment: 792 sq. ft., needs rehab, off-site use only  
Former Morse House  
Appalachian Natl Scenic Trail  
Pearisburg Co: Giles VA  
Property No.: 61200530012  
Status: Excess  
Comment: 2025 sq. ft., needs rehab, presence of asbestos, off-site use only
- Navy  
Massachusetts  
Building  
Bldgs. 3263-3266  
Westover RAFB

- Outer Road  
Chicopee Co: MA 01022-  
Property No.: 77200520002  
Status: Excess  
Comment: 3952 sq. ft., military family housing, needs rehab, off-site use only
- Bldgs. 3200 thru 3214  
Westover RAFB  
Cowan Ave/Goodwin St  
Chicopee Co: MA  
Property No.: 77200520003  
Status: Excess  
Comment: various sq. ft., needs rehab, most recent use—admin., off-site use only
- New Hampshire
- Building
- Bldg. 288  
Naval Shipyard  
Portsmouth Co: NH 03804-5000  
Property No.: 77200510018  
Status: Excess  
Comment: 3600 sq. ft., presence of asbestos/lead paint, most recent use—ship filters shop, off-site use only
- Bldg. 344  
Naval Shipyard  
Portsmouth Co: NH 03804-5000  
Property No.: 77200510019  
Status: Excess  
Comment: 1406 sq. ft., presence of asbestos/lead paint, most recent use—riggers shop, off-site use only
- Bldg. 346  
Naval Shipyard  
Portsmouth Co: NH 03804-5000  
Property No.: 77200510020  
Status: Excess  
Comment: 545 sq. ft., presence of asbestos/lead paint, most recent use—locker bldg., off-site use only
- Bldg. M-17  
Naval Shipyard  
Portsmouth Co: NH 03804-5000  
Property No.: 77200510021  
Status: Excess  
Comment: 760 sq. ft., presence of asbestos/lead paint, most recent use—garage, off-site use only
- New York
- Building
- Building 1  
Scotia Navy Depot  
Scotia Co: Schenectady NY 12302-9460  
Property No.: 77200440021  
Status: Excess  
Comment: 39,554 sq. ft., needs extensive repairs, presence of asbestos/lead paint, most recent use—office
- VA
- Alabama
- Land
- VA Medical Center  
VAMC  
Tuskegee Co: Macon AL 36083-  
Property No.: 97199010053  
Status: Underutilized  
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped
- California
- Land
- Land
- 4150 Clement Street  
San Francisco Co: San Francisco CA 94121-  
Property No.: 97199240001  
Status: Underutilized  
Comment: 4 acres; landslide area.
- Colorado
- Building
- Bldg. 2  
VAMC  
2121 North Avenue  
Grand Junction Co: Mesa CO 81501-  
Property No.: 97200430001  
Status: Unutilized  
Comment: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint
- Bldg. 3  
VAMC  
2121 North Avenue  
Grand Junction Co: Mesa CO 81501-  
Property No.: 97200430002  
Status: Unutilized  
Comment: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint
- Indiana
- Building
- Bldg. 105, VAMC  
East 38th Street  
Marion Co: Grant IN 46952-  
Property No.: 97199230006  
Status: Excess  
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places
- Bldg. 140, VAMC  
East 38th Street  
Marion Co: Grant IN 46952-  
Property No.: 97199230007  
Status: Excess  
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house
- Bldg. 7  
VA Northern Indiana Health Care System  
Marion Campus, 1700 East 38th Street  
Marion Co: Grant IN 46953-  
Property No.: 97199810001  
Status: Underutilized  
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places
- Bldg. 10  
VA Northern Indiana Health Care System  
Marion Campus, 1700 East 38th Street  
Marion Co: Grant IN 46953-  
Property No.: 97199810002  
Status: Underutilized  
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places
- Bldg. 11  
VA Northern Indiana Health Care System  
Marion Campus, 1700 East 38th Street  
Marion Co: Grant IN 46953-  
Property No.: 97199810003  
Status: Underutilized  
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places
- Bldg. 18  
VA Northern Indiana Health Care System  
Marion Campus, 1700 East 38th Street  
Marion Co: Grant IN 46953-  
Property No.: 97199810004
- Status: Underutilized  
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places
- Bldg. 25  
VA Northern Indiana Health Care System  
Marion Campus, 1700 East 38th Street  
Marion Co: Grant IN 46953-  
Property No.: 97199810005  
Status: Unutilized  
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places
- Bldg. 1  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310001  
Status: Unutilized  
Comment: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward
- Bldg. 3  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310002  
Status: Unutilized  
Comment: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward
- Bldg. 4  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310003  
Status: Unutilized  
Comment: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward
- Bldg. 13  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310004  
Status: Unutilized  
Comment: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office
- Bldg. 19  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310005  
Status: Unutilized  
Comment: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office
- Bldg. 20  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310006  
Status: Unutilized  
Comment: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office/storage
- Bldg. 42  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310007  
Status: Unutilized  
Comment: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office
- Bldg. 60  
N. Indiana Health Care System  
Marion Co: Grant IN 46952-  
Property No.: 97200310008  
Status: Unutilized



Comment: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

**Bldg. 122**

N. Indiana Health Care System

Marion Co: Grant IN 46952—

Property No.: 97200310009

Status: Unutilized

Comment: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

**Iowa**

**Land**

40.66 acres

VA Medical Center

1515 West Pleasant St.

Knoxville Co: Marion IA 50138—

Property No.: 97199740002

Status: Unutilized

Comment: golf course, easement requirements

**New York**

**Building**

Bldg. 3

VA Medical Center

Ratavia Co: Genesee NY 14020—

Property No.: 97200520001

Status: Unutilized

Comment: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places

**Ohio**

**Building**

Bldg. 402

VA Medical Center

Dayton Co: Montgomery OH 45428—

Property No.: 97199920004

Status: Unutilized

Comment: 4 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic

**Texas**

**Land**

**Land**

Olin E. Teague Veterans Center

1901 South 1st Street

Temple Co: Bell TX 76504—

Property No.: 97199010079

Status: Underutilized

Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

**Wisconsin**

**Building**

Bldg. 8

VA Medical Center

County Highway E

Tomah Co: Monroe WI 54660—

Property No.: 97199010056

Status: Underutilized

Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

**Land**

VA Medical Center

County Highway E

Tomah Co: Monroe WI 54660—

Property No.: 97199010054

Status: Underutilized

Comment: 12.4 acres, serves as buffer between center and private property, no utilities

**Title V Properties Reported in Year 2005 Which Are Suitable and Unavailable**

*Air Force*

**Colorado**

**Building**

Bldg. 100

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230001

Status: Excess

Reason: Interest expressed

Bldg. 101

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230002

Status: Excess

Reason: Interest expressed

Bldg. 102

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230003

Status: Excess

Reason: Interest expressed

Bldg. 103

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230004

Status: Excess

Reason: Interest expressed

Bldg. 104

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230005

Status: Excess

Reason: Interest expressed

Bldg. 106

La Junta Strategic Range

La Junta Co: Otero CO 81050—9501

Property No.: 18200230006

Status: Excess

Reason: Interest expressed

**New York**

**Building**

Bldg. 1225

Verona Text Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220014

Status: Unutilized

Reason: Held in trust

Bldg. 1226

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220015

Status: Unutilized

Reason: Held in trust

Bldg. 1227

Verona Text Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220016

Status: Unutilized

Reason: Held in trust

Bldg. 1231

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220017

Status: Unutilized

Reason: Held in trust

Bldg. 1233

**Verona Test Annex**

Verona Co: Oneida NY 13478—

Property No.: 18200220018

Status: Unutilized

Reason: Held in trust

Bldgs. 1235, 1239

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220019

Status: Unutilized

Reason: Held in trust

Bldg. 1241

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220020

Status: Unutilized

Reason: Held in trust

Bldg. 1243

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220021

Status: Unutilized

Reason: Held in trust

Bldg. 1245

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220022

Status: Unutilized

Reason: Held in trust

Bldg. 1247

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220023

Status: Unutilized

Reason: Held in trust

Bldg. 1250 + land

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220024

Status: Unutilized

Reason: Held in trust

Bldg. 1253

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220025

Status: Unutilized

Reason: Held in trust

Bldg. 1255

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220026

Status: Unutilized

Reason: Held in trust

Bldg. 1261

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220027

Status: Unutilized

Reason: Held in trust

Bldg. 1263

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220028

Status: Unutilized

Reason: Held in trust

Bldgs. 1266, 1269

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220029

Status: Unutilized

Reason: Held in trust

Bldg. 1271

Verona Test Annex

Verona Co: Oneida NY 13478—

Property No.: 18200220030  
 Status: Unutilized  
 Reason: Held in trust  
 Bldg. 1273  
 Verona Test Annex  
 Verona Co: Oneida NY 13478-  
 Property No.: 18200220031  
 Status: Unutilized  
 Reason: Held in trust  
 Bldg. 1277  
 Verona Test Annex  
 Verona Co: Oneida NY 13478-  
 Property No.: 18200220032  
 Status: Unutilized  
 Reason: Held in trust  
 Bldg. 1279  
 Verona Test Annex  
 Verona Co: Oneida NY 13478-  
 Property No.: 18200220033  
 Status: Unutilized  
 Reason: Held in trust  
 Bldg. 1285  
 Verona Test Annex  
 Verona Co: Oneida NY 13478-  
 Property No.: 18200220034  
 Status: Unutilized  
 Reason: Held in trust  
 Bldg. 1287  
 Verona Test Annex  
 Verona Co: Oneida NY 13478-  
 Property No.: 18200220035  
 Status: Unutilized  
 Reason: Held in trust  
 South Dakota  
 Land  
 Tract 133  
 Ellsworth AFB  
 Box Elder Co: Pennington SD 57706-  
 Property No.: 18200310004  
 Status: Unutilized  
 Reason: Special Legislation  
 Tract 67  
 Ellsworth AFB  
 Box Elder Co: Pennington SD 57706-  
 Property No.: 18200310005  
 Status: Unutilized  
 Reason: Mission purpose  
 Washington  
 Building  
 22 Bldgs./Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420001  
 Status: Unutilized  
 Reason: Mission effort  
 Bldg. 404/Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420002  
 Status: Unutilized  
 Reason: Mission effort  
 11 Bldgs./Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420003  
 Status: Unutilized  
 Reason: Mission effort  
 Bldg. 297/Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420004  
 Status: Unutilized  
 Reason: Mission effort  
 9 Bldgs./Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420005  
 Status: Unutilized  
 Reason: Mission effort  
 22 Bldgs./Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420006  
 Status: Unutilized  
 Reason: Mission effort  
 51 Bldgs./Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420007  
 Status: Unutilized  
 Reason: Mission effort  
 Bldg. 402/Geiger Heights  
 Fairchild AFB  
 Spokane WA 99224-  
 Property No.: 18200420008  
 Status: Unutilized  
 Reason: Mission effort  
 5 Bldgs./Geiger Heights  
 Fairchild AFB 222, 224, 271, 295, 260  
 Spokane WA 99224-  
 Property No.: 18200420009  
 Status: Unutilized  
 Reason: Mission effort  
 5 Bldgs./Geiger Heights  
 Fairchild AFB 102, 183, 118, 136, 113  
 Spokane WA 99224-  
 Property No.: 18200420010  
 Status: Unutilized  
 Reason: Mission effort  
 Army  
 Alabama  
 Building  
 Bldg. 01433  
 Fort Rucker  
 Ft. Rucker Co: Dale AL 36362-  
 Property No.: 21200220098  
 Status: Excess  
 Reason: Being utilized  
 Bldg. 30105  
 Fort Rucker  
 Ft. Rucker Co: Dale AL 36362-  
 Property No.: 21200510052  
 Status: Excess  
 Reason: Occupied  
 Bldg. 40115  
 Fort Rucker  
 Ft. Rucker Co: Dale AL 36362-  
 Property No.: 21200510053  
 Status: Excess  
 Reason: Occupied  
 Bldg. 25303  
 Fort Rucker  
 Dale Co: AL 36362-  
 Property No.: 21200520074  
 Status: Excess  
 Reason: Occupied  
 Bldg. 25304  
 Fort Rucker  
 Dale Co: AL 36362-  
 Property No.: 21200520075  
 Status: Excess  
 Reason: Occupied  
 Arizona  
 Building  
 Bldg. 13570  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520076  
 Status: Excess  
 Reason: Occupied  
 Bldg. 22529  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520077  
 Status: Excess  
 Reason: Occupied  
 Bldg. 22541  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520078  
 Status: Excess  
 Reason: Occupied  
 Bldg. 30020  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520079  
 Status: Excess  
 Reason: Occupied  
 Bldg. 30021  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520080  
 Status: Excess  
 Reason: Occupied  
 Bldg. 90311  
 Fort Huachuca  
 Cochise Co: AZ 85613-7010  
 Property No.: 21200520083  
 Status: Excess  
 Reason: Occupied  
 Bldg. 22040  
 Fort Huachuca  
 Cochise Co: AZ 85613-  
 Property No.: 21200540076  
 Status: Excess  
 Reason: Occupied  
 Bldg. 22404  
 Fort Huachuca  
 Cochise Co: AZ 85613-  
 Property No.: 21200540077  
 Status: Excess  
 Reason: Occupied  
 Bldg. 22540  
 Fort Huachuca  
 Cochise Co: AZ 85613-  
 Property No.: 21200540078  
 Status: Excess  
 Reason: Occupied  
 Colorado  
 Building  
 Bldg. S6222  
 Fort Carson  
 Ft. Carson Co: El Paso CO 80913-  
 Property No.: 21200340082  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. S6264  
 Fort Carson  
 Ft. Carson Co: El Paso CO 80913-  
 Property No.: 21200340084  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. S6220  
 Fort Carson

Ft. Carson Co: El Paso CO 80913-  
 Property No.: 21200420175  
 Status: Unutilized  
 Reason: In use  
 Bldg. S6285  
 Fort Carson  
 Ft. Carson Co: El Paso CO 80913-  
 Property No.: 21200420176  
 Status: Unutilized  
 Reason: In use  
 Bldg. S6287  
 Fort Carson  
 Ft. Carson Co: El Paso CO 80913-  
 Property No.: 21200420177  
 Status: Unutilized  
 Reason: In use  
 Bldg. 06225  
 Fort Carson  
 El Paso Co: CO 80913-4001  
 Property No.: 21200520084  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. 06280  
 Fort Carson  
 El Paso Co: CO 80913-4001  
 Property No.: 21200520085  
 Status: Unutilized  
 Reason: Occupied  
 Bldgs. 06281, 06282, 06283  
 Fort Carson  
 El Paso Co: CO 80913-4001  
 Property No.: 21200520086  
 Status: Unutilized  
 Reason: Occupied  
 Georgia  
 Building  
 Bldgs. 00960, 00961, 00963  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA  
 Property No.: 21200330107  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. T201  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420002  
 Status: Excess  
 Reason: In use  
 Bldg. T202  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420003  
 Status: Excess  
 Reason: In use  
 Bldg. T222  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420004  
 Status: Excess  
 Reason: In use  
 Bldg. P223  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420005  
 Status: Excess  
 Reason: In use  
 Bldg. P224  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420006  
 Status: Excess  
 Reason: In use  
 Bldg. T234  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420008  
 Status: Excess  
 Reason: In use  
 Bldg. T702  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420010  
 Status: Excess  
 Reason: In use  
 Bldg. T703  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420011  
 Status: Excess  
 Reason: In use  
 Bldg. T704  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420012  
 Status: Excess  
 Reason: In use  
 Bldg. P813  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420013  
 Status: Excess  
 Reason: In use  
 Bldgs. S843, S844, S845  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420014  
 Status: Excess  
 Reason: In use  
 Bldg. P925  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420015  
 Status: Excess  
 Reason: In use  
 Bldg. S1227  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420016  
 Status: Excess  
 Reason: In use  
 Bldg. S1251  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420018  
 Status: Excess  
 Reason: In use  
 Bldg. T1254  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420019  
 Status: Excess  
 Reason: In use  
 Bldg. P1275  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420022  
 Status: Excess  
 Reason: In use  
 Bldg. P1276  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420023  
 Status: Excess  
 Reason: In use  
 Bldg. P1277  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420024  
 Status: Excess  
 Reason: In use  
 Bldg. T1412  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420025  
 Status: Excess  
 Reason: In use  
 Bldg. 8658  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420029  
 Status: Excess  
 Reason: In use  
 Bldg. 8659  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420030  
 Status: Excess  
 Reason: In use  
 Bldgs. 8675, 8676  
 Hunter Army Airfield  
 Garrison Co: Chatham GA 31409-  
 Property No.: 21200420031  
 Status: Excess  
 Reason: In use  
 Bldg. 5962-5966  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420035  
 Status: Excess  
 Reason: In use  
 Bldgs. 5967-5971  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420036  
 Status: Excess  
 Reason: In use  
 Bldgs. 5974-5977  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420037  
 Status: Excess  
 Reason: In use  
 Bldg. 5978  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420038  
 Status: Excess  
 Reason: In use  
 Bldg. 5981  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420039  
 Status: Excess  
 Reason: In use  
 Bldgs. 5984-5988  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420040  
 Status: Excess  
 Reason: In use  
 Bldg. 5993  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420041  
 Status: Excess  
 Reason: In use  
 Bldg. 5994  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420042  
 Status: Excess

Reason: In use  
 Bldg. 5995  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420043  
 Status: Excess  
 Reason: In use  
 Bldg. 9000  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420045  
 Status: Excess  
 Reason: In use  
 Bldgs. 9002, 9005  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420046  
 Status: Excess  
 Reason: In use  
 Bldg. 9025  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420047  
 Status: Excess  
 Reason: In use  
 Bldg. 9026  
 Fort Benning  
 Ft. Benning Co: Chattahoochee GA 31905-  
 Property No.: 21200420048  
 Status: Excess  
 Reason: In use  
 Bldg. T01  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420181  
 Status: Excess  
 Reason: In use  
 Bldg. T04  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420182  
 Status: Excess  
 Reason: In use  
 Bldg. T05  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420183  
 Status: Excess  
 Reason: In use  
 Bldg. T06  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420184  
 Status: Excess  
 Reason: In use  
 Bldg. T55  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420187  
 Status: Excess  
 Reason: In use  
 Bldg. T85  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420188  
 Status: Excess  
 Reason: In use  
 Bldg. T131  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420189  
 Status: Excess  
 Reason: In use  
 Bldg. T132  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420190  
 Status: Excess  
 Reason: In use  
 Bldg. T157  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420191  
 Status: Excess  
 Reason: In use  
 Bldg. 01002  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420197  
 Status: Excess  
 Reason: In use  
 Bldg. 01003  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420198  
 Status: Excess  
 Reason: In use  
 Bldg. T1043  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420202  
 Status: Excess  
 Reason: In use  
 Bldg. T106  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420204  
 Status: Excess  
 Reason: In use  
 Bldg. T1050  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420207  
 Status: Excess  
 Reason: In use  
 Bldg. T1051  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420208  
 Status: Excess  
 Reason: In use  
 Bldg. T1056  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420209  
 Status: Excess  
 Reason: In use  
 Bldg. T1057  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420210  
 Status: Excess  
 Reason: In use  
 Bldg. T1058  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420211  
 Status: Excess  
 Reason: In use  
 Bldg. 19101  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420215  
 Status: Excess  
 Reason: In use  
 Bldg. 19102  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420216  
 Status: Excess  
 Reason: In use  
 Bldg. T19111  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420217  
 Status: Excess  
 Reason: In use  
 Bldg. 19112  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420218  
 Status: Excess  
 Reason: In use  
 Bldg. 19113  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420219  
 Status: Excess  
 Reason: In use  
 Bldg. T19201  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420220  
 Status: Excess  
 Reason: In use  
 Bldg. 19202  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420221  
 Status: Excess  
 Reason: In use  
 Bldg. 19204 thru 19207  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420222  
 Status: Excess  
 Reason: In use  
 Bldgs. 19208 thru 19211  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420223  
 Status: Excess  
 Reason: In use  
 Bldg. 19212  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420224  
 Status: Excess  
 Reason: In use  
 Bldg. 19213  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420225  
 Status: Excess  
 Reason: In use  
 Bldg. 19214  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420226  
 Status: Excess  
 Reason: In use  
 Bldg. 19215  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420227  
 Status: Excess  
 Reason: In use  
 Bldg. 19216  
 Fort Stewart  
 Ft. Stewart Co: Liberty GA 31314-  
 Property No.: 21200420228  
 Status: Excess

Reason: In use  
Bldg. 19217  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420229  
Status: Excess  
Reason: In use  
Bldg. 19218  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420230  
Status: Excess  
Reason: In use  
Bldgs. 19219, 19220  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420231  
Status: Excess  
Reason: In use  
Bldg. 19223  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420232  
Status: Excess  
Reason: In use  
Bldg. 19225  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420233  
Status: Excess  
Reason: In use  
Bldg. 19226  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420234  
Status: Excess  
Reason: In use  
Bldg. T19228  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420235  
Status: Excess  
Reason: In use  
Bldg. 19229  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420236  
Status: Excess  
Reason: In use  
Bldg. 19232  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420237  
Status: Excess  
Reason: In use  
Bldg. 19233  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420238  
Status: Excess  
Reason: In use  
Bldg. 19236  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420239  
Status: Excess  
Reason: In use  
Bldg. 19238  
Fort Stewart  
Ft. Stewart Co: Liberty GA 31314-  
Property No.: 21200420240  
Status: Excess  
Reason: In use  
Bldg. 01674  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200510056  
Status: Unutilized  
Reason: Occupied  
Bldg. 01675  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200510057  
Status: Unutilized  
Reason: Occupied  
Bldg. 01676  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200510058  
Status: Unutilized  
Reason: Occupied  
Bldg. 01677  
Fort Benning  
Ft. Benning Co: GA 31905-  
Property No.: 21200510059  
Status: Unutilized  
Reason: Occupied  
Bldg. 01678  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200510060  
Status: Unutilized  
Reason: Occupied  
Bldg. 05887  
Fort Benning  
Ft. Benning Co: Chattahoochee GA 31905-  
Property No.: 21200510061  
Status: Unutilized  
Reason: Occupied  
Bldg. 01305  
Hunter Army Airfield  
Chatham Co: GA 31409-  
Property No.: 21200510063  
Status: Excess  
Reason: Historic  
Bldg. 00051  
Fort Stewart  
Liberty Co: GA 31314-  
Property No.: 21200520087  
Status: Excess  
Reason: Occupied  
Bldg. 00052  
Fort Stewart  
Liberty Co: GA 31314-  
Property No.: 21200520088  
Status: Excess  
Reason: Occupied  
Bldg. 00053  
Fort Stewart  
Liberty Co: GA 31314-  
Property No.: 21200520089  
Status: Excess  
Reason: Occupied  
Bldg. 00054  
Fort Stewart  
Liberty Co: GA 31314-  
Property No.: 21200520090  
Status: Excess  
Reason: Occupied  
Bldg. 00451  
Fort Stewart  
Liberty Co: GA 31314-  
Property No.: 21200520091  
Status: Excess  
Reason: Occupied  
Bldg. 00106  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520092  
Status: Unutilized  
Reason: Occupied  
Bldg. 02023  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520093  
Status: Unutilized  
Reason: Occupied  
Bldg. 2750  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520094  
Status: Unutilized  
Reason: Occupied  
Bldg. 2819  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520095  
Status: Unutilized  
Reason: Occupied  
Bldg. 2843  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520096  
Status: Unutilized  
Reason: Occupied  
Bldg. 9013  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520099  
Status: Unutilized  
Reason: Occupied  
5 Bldgs.  
Fort Benning 9014, 9015, 9018, 9022, 9053  
Chattahoochee Co: GA 31905-  
Property No.: 21200520100  
Status: Unutilized  
Reason: Occupied  
Bldg. 9050  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520104  
Status: Unutilized  
Reason: Occupied  
Bldg. 9051  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520105  
Status: Unutilized  
Reason: Occupied  
Bldg. 09075  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520106  
Status: Unutilized  
Reason: Occupied  
Bldg. 9234  
Fort Benning  
Chattahoochee Co: GA 31905-  
Property No.: 21200520109  
Status: Unutilized  
Reason: Occupied  
Bldgs. 10039, 10041  
Fort Benning  
Muscogee Co: GA 31905-  
Property No.: 21200520110  
Status: Unutilized  
Reason: Occupied  
Bldg. 11326  
Fort Benning  
Muscogee Co: GA 31905-  
Property No.: 21200520112  
Status: Unutilized

Reason: Occupied  
Indiana  
Building  
Bldg. 301  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 45216-  
Property No.: 21200320098  
Status: Unutilized  
Reason: Occupied  
Bldg. 302  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 46216-  
Property No.: 21200320099  
Status: Unutilized  
Reason: Occupied  
Bldg. 303  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 46216-  
Property No.: 21200320100  
Status: Unutilized  
Reason: Occupied  
Bldg. 304  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 46216-  
Property No.: 21200320101  
Status: Unutilized  
Reason: Occupied  
Bldg. 334  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 46216-  
Property No.: 21200320102  
Status: Unutilized  
Reason: Occupied  
Bldg. 337  
Fort Benjamin Harrison  
Indianapolis Co: Marion IN 46216-  
Property No.: 21200320103  
Status: Unutilized  
Reason: Occupied  
Louisiana  
Building  
Bldg. T401  
Fort Polk  
Ft. Polk Co: LA 71459-  
Property No.: 21200540084  
Status: Unutilized  
Reason: Occupied  
Bldgs. T406, T407, T411  
Fort Polk  
Ft. Polk Co: LA 71459-  
Property No.: 21200540085  
Status: Unutilized  
Reason: Occupied  
Bldg. T412  
Fort Polk  
Ft. Polk Co: LA 71459-  
Property No.: 21200540086  
Status: Unutilized  
Reason: Occupied  
Bldgs. T414, T421  
Fort Polk  
Ft. Polk Co: LA 71459-  
Property No.: 21200540087  
Status: Unutilized  
Reason: Occupied  
Maryland  
Building  
Bldg. 2282C  
Fort George G. Meade  
Fort Meade Co: Anne Arundel MD 20755-  
Property No.: 21200230059  
Status: Unutilized  
Reason: Secured  
Bldg. 8608  
Fort George G. Meade  
Ft. Meade MD 20755-5115  
Property No.: 21200410099  
Status: Unutilized  
Reason: Occupied  
Bldg. 8612  
Fort George G. Meade  
Ft. Meade MD 20755-5115  
Property No.: 21200410101  
Status: Unutilized  
Reason: Occupied  
Bldg. 0001A  
Federal Support Center  
Olney Co: Montgomery MD 20882-  
Property No.: 21200520114  
Status: Unutilized  
Reason: Occupied  
Bldg. 0001C  
Federal Support Center  
Olney Co: Montgomery MD 20882-  
Property No.: 21200520115  
Status: Unutilized  
Reason: Occupied  
Bldgs. 00032, 00H14, 00H24  
Federal Support Center  
Olney Co: Montgomery MD 20882-  
Property No.: 21200520116  
Status: Unutilized  
Reason: Occupied  
Bldgs. 00034, 00H016  
Federal Support Center  
Olney Co: Montgomery MD 20882-  
Property No.: 21200520117  
Status: Unutilized  
Reason: Occupied  
Bldgs. 00H10, 00H12  
Federal Support Center  
Olney Co: Montgomery MD 20882-  
Property No.: 21200520118  
Status: Unutilized  
Reason: Occupied  
Michigan  
Building  
Bldg. 00001  
Sheridan Hall USARC 501 Euclid Avenue  
Helena Co: Lewis & Clark MI 59601-2865  
Property No.: 21200510066  
Status: Unutilized  
Reason: Federal interest  
Missouri  
Building  
Bldg. 1230  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200340087  
Status: Unutilized  
Reason: Occupied  
Bldg. 1621  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200340088  
Status: Unutilized  
Reason: Occupied  
Bldg. 5760  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200410102  
Status: Unutilized  
Reason: Occupied  
Bldg. 5762  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200410103  
Status: Unutilized  
Reason: Occupied  
Bldg. 5763  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200410105  
Status: Unutilized  
Reason: Occupied  
Bldg. 5765  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200420059  
Status: Unutilized  
Reason: In use  
Bldg. 5762  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200420060  
Status: Unutilized  
Reason: In use  
Bldg. 5763  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200420061  
Status: Unutilized  
Reason: In use  
Bldg. 5765  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200420062  
Status: Unutilized  
Reason: In use  
Bldg. 00467  
Fort Leonard Wood  
Ft. Leonard Wood Co: Pulaski MO 65743-  
8944  
Property No.: 21200530085  
Status: Unutilized  
Reason: Occupied  
New York  
Building  
Bldgs. 1511-1518  
U.S. Military Academy-  
Training Area  
Highlands Co: Orange NY 10996-  
Property No.: 21200320160  
Status: Unutilized  
Reason: Occupied  
Bldgs. 1523-1526  
U.S. Military Academy  
Training Area  
Highlands Co: Orange NY 10996-

Property No.: 21200320161  
 Status: Unutilized  
 Reason: Occupied  
 Bldgs. 1704-1705, 1721-1722  
 U.S. Military Academy  
 Training Area  
 Highlands Co: Orange NY 10996-  
 Property No.: 21200320162  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. 1723  
 U.S. Military Academy  
 Training Area  
 Highlands Co: Orange NY 10996-  
 Property No.: 21200320163  
 Status: Unutilized  
 Reason: Occupied  
 Bldgs. 1706-1709  
 U.S. Military Academy  
 Training Area  
 Highlands Co: Orange NY 10996-  
 Property No.: 21200320164  
 Status: Unutilized  
 Reason: Occupied  
 Bldgs. 1731-1735  
 U.S. Military Academy  
 Training Area  
 Highlands Co: Orange NY 10996-  
 Property No.: 21200320165  
 Status: Unutilized  
 Reason: Occupied  
 North Carolina  
 Building  
 Bldgs. A2245, A2345  
 Fort Bragg  
 Ft. Bragg Co: Cumberland NC 28310-  
 Property No.: 21200240084  
 Status: Excess  
 Reason: Mission use  
 Bldg. N4116  
 Fort Bragg  
 Ft. Bragg Co: Cumberland NC 28310-  
 Property No.: 21200240087  
 Status: Excess  
 Reason: Mission use  
 Oklahoma  
 Building  
 282 Bldgs.  
 Fort Sill  
 Lawton Co: Comanche OK 73503-  
 Property No.: 21200530086  
 Status: Unutilized  
 Reason: Occupied  
 43 Garages  
 Fort Sill  
 Lawton Co: Comanche OK 73503-  
 Property No.: 21200530087  
 Status: Unutilized  
 Reason: Occupied  
 Texas  
 Building  
 Bldgs. 4219, 4227  
 Fort Hood  
 Ft. Hood Co: Bell TX 76544-  
 Property No.: 21200220139  
 Status: Unutilized  
 Reason: Admin use  
 Bldgs. 4229, 4230, 4231  
 Fort Hood  
 Ft. Hood Co: Bell TX 76544-  
 Property No.: 21200220140  
 Status: Unutilized  
 Reason: Admin use  
 Bldgs. 4244, 4246  
 Fort Hood  
 Ft. Hood Co: Bell TX 76544-  
 Property No.: 21200220141  
 Status: Unutilized  
 Reason: Admin use  
 Bldgs. 4260, 4261, 4262  
 Fort Hood  
 Ft. Hood Co: Bell TX 76544-  
 Property No.: 21200220142  
 Status: Unutilized  
 Reason: Admin use  
 Bldgs. 00245-00247  
 Fort Hood  
 Ft. Hood Co: Bell TX 76544-  
 Property No.: 21200430069  
 Status: Unutilized  
 Reason: Mission purposes  
 Bldgs. 04223-04226  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440088  
 Status: Excess  
 Reason: Occupied  
 Bldg. 04335  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440090  
 Status: Excess  
 Reason: Occupied  
 Bldg. 04465  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440094  
 Status: Excess  
 Reason: Occupied  
 Bldg. 04468  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440096  
 Status: Excess  
 Reason: Occupied  
 Bldg. 04473  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440097  
 Status: Excess  
 Reason: Occupied  
 Bldgs. 04475-04476  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440098  
 Status: Excess  
 Reason: Occupied  
 Bldg. 04477  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440099  
 Status: Excess  
 Reason: Occupied  
 Bldg. 07002  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440100  
 Status: Excess  
 Reason: Occupied  
 Bldg. 7002A  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440101  
 Status: Excess  
 Reason: Occupied  
 Bldg. 57001  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440105  
 Status: Excess  
 Reason: Occupied  
 Bldgs. 90053-90054  
 Fort Hood  
 Bell Co: TX 76544-  
 Property No.: 21200440107  
 Status: Excess  
 Reason: Occupied  
 Virginia  
 Building  
 Bldg. T2827  
 Fort Pickett  
 Blackstone Co: Nottoway VA 23824-  
 Property No.: 21200320172  
 Status: Unutilized  
 Reason: Occupied  
 Bldg. T2841  
 Fort Pickett  
 Blackstone Co: Nottoway VA 23824-  
 Property No.: 21200320173  
 Status: Unutilized  
 Reason: Occupied  
 Washington  
 Building  
 Bldg. 05904  
 Fort Lewis  
 Ft. Lewis Co: Pierce WA 98433-9500  
 Property No.: 21200240092  
 Status: Excess  
 Reason: Mission use  
 Wisconsin  
 Building  
 Bldg. 01352  
 Fort McCoy  
 Monroe Co: WI 54656-  
 Property No.: 21200530088  
 Status: Excess  
 Reason: Occupied  
 Bldg. 01355  
 Fort McCoy  
 Monroe Co: WI 54656-  
 Property No.: 21200530089  
 Status: Excess  
 Reason: Occupied  
 Bldg. 01363  
 Fort McCoy  
 Monroe Co: WI 54656-  
 Property No.: 21200530090  
 Status: Excess  
 Reason: Occupied  
 Bldgs. 01459-01462  
 Fort McCoy  
 Monroe Co: WI 54656-  
 Property No.: 21200530091  
 Status: Excess  
 Reason: Occupied  
 Bldgs. 01464-01466  
 Fort McCoy  
 Monroe Co: WI 54656-  
 Property No.: 21200530092  
 Status: Excess  
 Reason: Occupied

## COE

Illinois

## Building

Bldg. 7

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010001

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 6

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010002

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 5

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010003

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 4

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010004

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 3

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010005

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 2

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010006

Status: Unutilized

Reason: Project integrity and security; safety liability

Bldg. 1

Ohio River Locks &amp; Dam No. 53

Grand Chain Co: Pulaski IL 62941-9801

Property No.: 31199010007

Status: Unutilized

Reason: Project integrity and security; safety liability

Land

Lake Shelbyville

Shelbyville Co: Shelby &amp; Moultrie IL 62565-9804

Property No.: 31199240004

Status: Unutilized

Reason: Disposal action initiated

Ohio

## Building

Bldg.—Berlin Lake

7400 Bedell Road

Berlin Center Co: Mahoning OH 44401-9797

Property No.: 31199640001

Status: Unutilized

Reason: Utilized as construction office

Pennsylvania

## Building

Tract 403A

Grays Landing Lock &amp; Dam Project

Greensboro Co: Greene PA 15338-

Property No.: 31199430021

Status: Unutilized

Reason: To be transferred to Borough

Tract 403B

Grays Landing Lock &amp; Dam Project

Greensboro Co: Greene PA 15338-

Property No.: 31199430022

Status: Unutilized

Reason: To be transferred to Borough

Tract 403C

Grays Landing Lock &amp; Dam Project

Greensboro Co: Greene PA 15338-

Property No.: 31199430023

Status: Unutilized

Reason: To be transferred to Borough

Land

East Branch Clarion River Lake

Wilcox Co: Elk PA

Property No.: 31199011012

Status: Underutilized

Reason: Location near damsite

Dashields Locks and Dam

(Glenwillard, PA)

Crescent Twp. Co: Allegheny PA 15046-0475

Property No.: 31199210009

Status: Unutilized

Reason: Leased to Township

## ENERGY

Idaho

## Building

Bldg. CFA-613

Central Facilities Area

Idaho National Engineering Lab

Scoville Co: Butte ID 83415-

Property No.: 41199630001

Status: Unutilized

Reason: Historical issues

Maryland

## GSA

Maryland

## Building

Tower Site D

Fort Detrick

Damascus Co: Howard MD 20872-

Property No.: 54200540020

Status: Excess

GSA Number: 4-D-MD-0620

Reason: Federal interest

Michigan

## Land

IOM Site

Chesterfield Road

Chesterfield Co: Macomb MI

Property No.: 54200340008

Status: Excess

GSA Number: 1-D-MI-0603F

Reason: Public body interest

New York

## Building

Social Sec. Admin. Bldg.

517 N. Barry St.

Olean NY 10278-0004

Property No.: 54200230009

Status: Excess

GSA Number: 1-G-NY-0895

Reason: Environmental questions

## NAVY

Hawaii

## Building

Bldg. 1145

Naval Air Station

Barbers Point Co: Honolulu HI 96707-

Property No.: 77200510026

Status: Unutilized

Reason: Mission use

VA

Iowa

Land

38 acres

VA Medical Center

1515 West Pleasant St.

Knoxville Co: Marion IA 50138-

Property No.: 97199740001

Status: Unutilized

Reason: Enhanced-Use Legislation potential

Michigan

Land

VA Medical Center

5500 Armstrong Road

Battle Creek Co: Calhoun MI 49016-

Property No.: 97199010015

Status: Underutilized

Reason: Being used for patient and program activities

Montana

## Building

VA MT Healthcare

210 S. Winchester

Miles City Co: Custer MT 59301-

Property No.: 97200030001

Status: Underutilized

Reason: Transfer to Custer County

New York

## Land

VA Medical Center

Fort Hill Avenue

Canandaigua Co: Ontario NY 14424-

Property No.: 97199010017

Status: Underutilized

Reason: Portion leased; portion landlocked

Ohio

## Building

Bldg. 116

VA Medical Center

Dayton Co: Montgomery OH 45428-

Property No.: 97199920002

Status: Unutilized

Reason: Preexisting agreement

Pennsylvania

## Land

VA Medical Center

New Castle Road

Butler Co: Butler PA 16001-

Property No.: 97199010016

Status: Underutilized

Reason: Used as natural drainage for facility property

Land No. 645

VA Medical Center

Highland Drive

Pittsburgh Co: Allegheny PA 15206-

Property No.: 97199010080

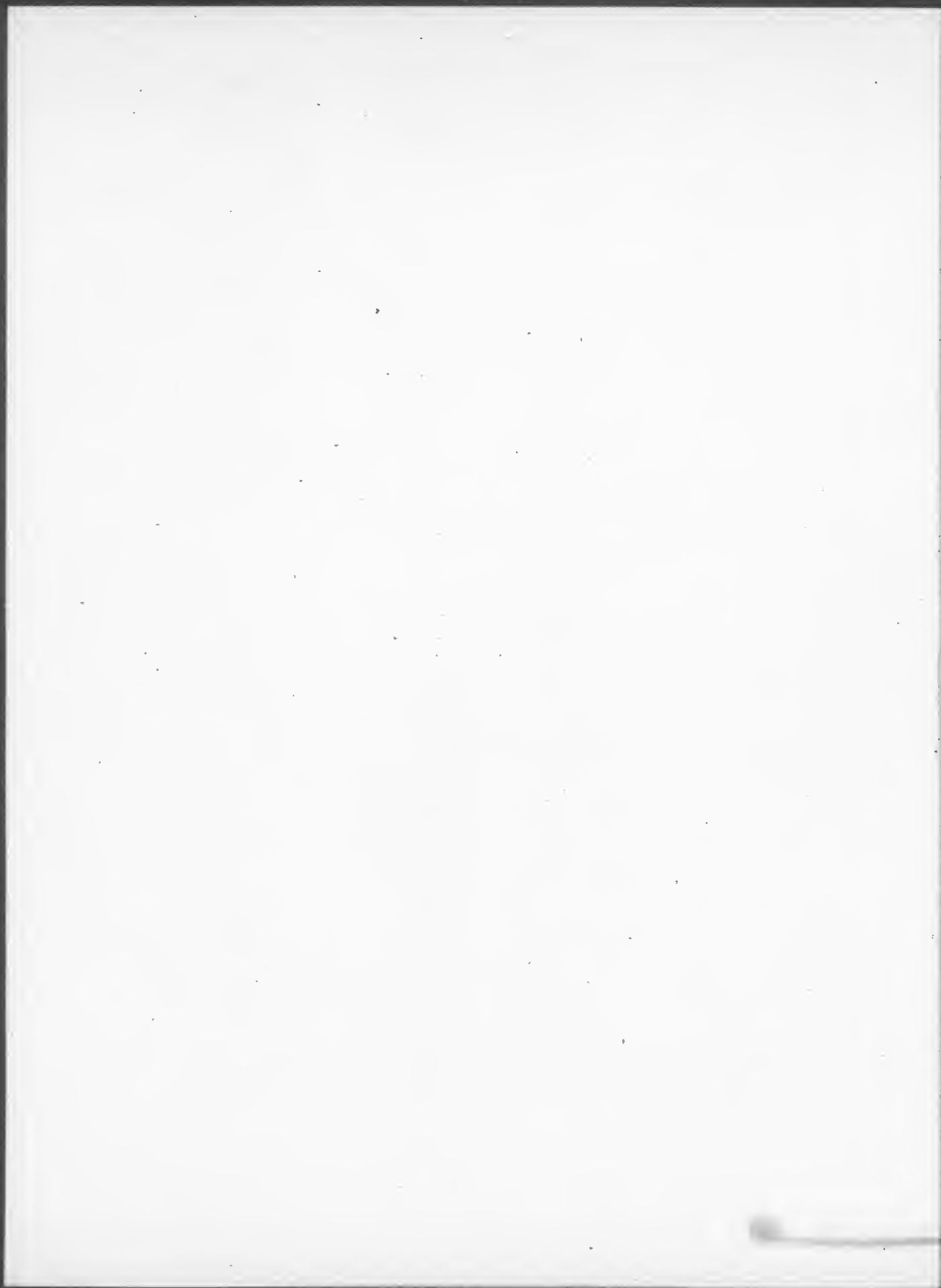
Status: Unutilized



Reason: Property is essential to security and safety of patients  
Land—34.16 acres  
VA Medical Center  
1400 Black Horse Hill Road  
Coatesville Co: Chester PA 19320—  
Property No.: 97199340001

Status: Underutilized  
Reason: Needed for mission related functions  
Wisconsin  
Building  
Bldg. 2  
VA Medical Center

5000 West National Ave.  
Milwaukee WI 53295—  
Property No.: 97199830002  
Status: Underutilized  
Reason: Subject of leasing negotiations  
[FR Doc. 06-1120 Filed 2-9-06; 8:45 am]  
BILLING CODE 4210-67-P





# Federal Register

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Friday,  
February 10, 2006

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## Part IV

### Nuclear Regulatory Commission

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10 CFR Parts 170 and 171  
Revision of Fee Schedules; Fee Recovery  
for FY 2006; Proposed Rule

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 170 and 171

RIN 3150-AH83

#### Revision of Fee Schedules; Fee Recovery for FY 2006

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in fiscal year (FY) 2006, less the amounts appropriated from the Nuclear Waste Fund (NWF) and for Waste Incidental to Reprocessing (WIR) activities. The required fee recovery amount for the FY 2006 budget is approximately \$624 million, which is increased by approximately \$0.9 million to account for billing adjustments, resulting in a total of approximately \$625 million that must be recovered through fees in FY 2006.

**DATES:** The comment period expires March 13, 2006. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure only that comments received on or before this date will be considered. Because OBRA-90 requires that the NRC collect the FY 2006 fees by September 30, 2006, requests for extensions of the comment period will not be granted.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include number RIN 3150-AH83 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information will not be removed from your comments.

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

*E-mail comments to:* [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

Address questions about our Web site to Ms. Carol Gallagher, 301-415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov). Comments can also be submitted via the Federal eRulemaking Portal at <http://www.regulations.gov>.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301-415-1966).

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>. The Commission notes that it is providing improved summary documentation of the fee calculations used in this rulemaking as part of the publicly available documents, and believes that these new reports will enhance the transparency of the fee calculations and provide additional explanation of any changes in fees.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209; 301-415-4737 or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Tammy Croote, telephone 301-415-6041; Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Proposed Action
- III. Plain Language
- IV. Voluntary Consensus Standards
- V. Environmental Impact: Categorical Exclusion
- VI. Paperwork Reduction Act Statement
- VII. Regulatory Analysis
- VIII. Regulatory Flexibility Analysis

## IX. Backfit Analysis

### I. Background

For FYs 1991 through 2000, OBRA-90 (Pub. L. 101-508), as amended, required that the NRC recover approximately 100 percent of its budget authority, less the amount appropriated from the U.S. Department of Energy (DOE) administered NWF, by assessing fees. To address fairness and equity concerns related to charging NRC license holders for agency budgeted costs that do not provide a direct benefit to the licensee, the FY 2001 Energy and Water Development Appropriations Act (Pub. L. 106-377) amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount was 90 percent in FY 2005. The FY 2006 Energy and Water Development Appropriations Act (EWDAA) (Pub. L. 109-103), as amended by the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Pub. L. 109-148), extended this 90 percent fee recovery requirement through FY 2006. As a result, the NRC is required to recover approximately 90 percent of its FY 2006 budget authority, less the amounts appropriated from the NWF and for WIR activities, through fees. The required fee recovery amount for the FY 2006 budget is approximately \$624 million, which is increased by approximately \$0.9 million to account for billing adjustments, resulting in a total of approximately \$625 million that must be recovered through fees in FY 2006.

The NRC assesses two types of fees to meet the requirements of OBRA-90, as amended. First, license and inspection fees, established in 10 CFR part 170 under the authority of the Independent Offices Appropriation Act of 1952 (IOAA), 31 U.S.C. 9701, recover the NRC's costs of providing special benefits to identifiable applicants and licensees. Examples of the services provided by the NRC for which these fees are assessed are the review of applications for new licenses and, for certain types of existing licenses, the review of renewal applications, the review of amendment requests, and inspections. Second, annual fees established in 10 CFR part 171 under the authority of OBRA-90, recover generic and other regulatory costs not otherwise recovered through 10 CFR part 170 fees.

The amount of the NRC's required fee collections are set by law and are therefore outside the scope of this rulemaking. In FY 2006, the NRC's total

fee recoverable budget increased by \$83.4 million from FY 2005 in response to increased workload. As such, most annual fees increased. The budget, including the increases, was allocated to the fee classes that the budgeted activities support. As discussed in more detail below, another factor affecting the amount of annual fees for each fee class is the estimated collection under part 170.

Additional factors will affect the NRC's required fee recovery in future years. For example, the Energy Policy Act of 2005 (Pub. L. 109-58) permanently extends the 90 percent fee recovery requirement beginning in FY 2007. The Energy Policy Act also permanently removes certain homeland security activities from the fee base beginning in FY 2007. Section 637 states that the NRC will not recover in fees:

(iv) amounts appropriated to the Commission for homeland security activities of the Commission for the fiscal year, except for the costs of fingerprinting and background checks required by section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections.

Under this legislative requirement, the budgeted resources for all generic homeland security activities (those activities that support an entire license fee class or classes of licensees, such as rulemakings, guidance development, and vulnerability assessments) will be removed from the fee base beginning with the FY 2007 fee rulemaking. Pursuant to the NRC's authority under

the IOAA, the NRC will continue to bill under part 170 for all licensee-specific homeland security-related services provided, including security inspections and security plan reviews. This legislative change will provide fee relief for NRC licensees. However, the net change in annual fees in FY 2007 will also depend on other factors, especially the amount of the NRC's FY 2007 appropriated budget and the allocation of these resources to the license fee classes and surcharge categories (surcharge categories include the resources associated with activities for which the NRC does not charge fees, as described in more detail in Section II of this document), as well as any other policy decisions of the Commission.

## II. Proposed Action

The NRC is proposing to amend its licensing, inspection, and annual fees to recover approximately 90 percent of its FY 2006 budget authority less the appropriations received from the NWF and for WIR activities. The NRC's total budget authority for FY 2006 is \$741.5 million, of which approximately \$45.7 million has been appropriated from the NWF, and \$2.5 million for WIR activities. Based on the 90 percent fee recovery requirement, the NRC must recover approximately \$624 million in FY 2006 through part 170 licensing and inspection fees and part 171 annual fees. The amount required by law to be recovered through fees for FY 2006 is \$83.4 million more than the amount

estimated for recovery in FY 2005, an increase of over 15 percent.

The FY 2006 fee recovery amount is increased by \$0.9 million to account for billing adjustments (i.e., for FY 2006 invoices that the NRC estimates will not be paid during the fiscal year, less payments received in FY 2006 for FY 2005 invoices). There is no FY 2005 carryover to apply to FY 2006 fee collections. This leaves approximately \$625 million to be recovered in FY 2006 through part 170 licensing and inspection fees and part 171 annual fees.

The NRC estimates that approximately \$188.7 million will be recovered in FY 2006 from part 170 fees. This represents an increase of over 22 percent as compared to the actual part 170 collections for FY 2005 of \$154.1 million. The NRC derived the FY 2006 estimate of part 170 fee collections based on the previous four quarters of billing data for each license fee class, with adjustments to account for changes in the NRC's FY 2006 budget, as appropriate, and the increase in the hourly rates from FY 2005 to FY 2006. The remaining \$436.2 million would be recovered through the part 171 annual fees in FY 2006, compared to \$380.5 million for FY 2005, an increase of approximately 15 percent.

Table I summarizes the budget and fee recovery amounts for FY 2006 (individual values may not sum to totals due to rounding).

TABLE I.—BUDGET AND FEE RECOVERY AMOUNTS FOR FY 2006

[Dollars in millions]

Total Budget Authority .....	\$741.5
Less NWF and WIR .....	- 48.1
Balance .....	\$693.4
Fee Recovery Rate for FY 2006 .....	× 90.0%
Total Amount to be Recovered For FY 2006 .....	\$624.0
Less Carryover from FY 2005 .....	- 0.0
Plus Part 171 Billing Adjustments:	
Unpaid FY 2006 Invoices (estimated) .....	3.2
Less Payments Received in FY 2006 for Prior Year Invoices (estimated) .....	- 2.3
Subtotal .....	0.9
Amount to be Recovered Through Parts 170 and 171 Fees .....	\$625.0
Less Estimated Part 170 Fees .....	- 188.7
Part 171 Fee Collections Required .....	\$436.2

The FY 2006 final fee rule will be a "major rule" as defined by the Congressional Review Act of 1996. Therefore, the NRC's fee schedules for FY 2006 would become effective 60 days after publication of the final rule

in the **Federal Register**. The NRC will send an invoice for the amount of the annual fee to reactors and major fuel cycle facilities upon publication of the FY 2006 final rule. For these licensees, payment would be due on the effective

date of the FY 2006 rule. Those materials licensees whose license anniversary date during FY 2006 falls before the effective date of the final FY 2006 rule would be billed for the annual fee during the anniversary month of the

license at the FY 2005 annual fee rate. Those materials licensees whose license anniversary date falls on or after the effective date of the final FY 2006 rule would be billed for the annual fee at the FY 2006 annual fee rate during the anniversary month of the license, and payment would be due on the date of the invoice.

As a matter of courtesy, the NRC plans to continue mailing the proposed fee rule to all licensees, although, as a cost saving measure, in accordance with its FY 1998 announcement, the NRC has discontinued mailing the final fee rule to all licensees. Accordingly, the NRC does not plan to routinely mail the FY 2006 final fee rule or future final fee rules to licensees.

However, the NRC will send the final rule to any licensee or other person upon specific request. To request a copy, contact the License Fee Team, Division of Financial Management, Office of the Chief Financial Officer, at 301-415-7554, or e-mail [fees@nrc.gov](mailto:fees@nrc.gov). The NRC plans to publish the final fee rule no later than June 2006. In addition to publication in the **Federal Register**, the final rule will be available on the Internet at <http://ruleforum.llnl.gov> for at least 90 days after the effective date of the final rule.

The NRC is proposing to make changes to 10 CFR parts 170 and 171 as discussed in Sections A and B of this document.

*A. Amendments to 10 CFR Part 170: Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, As Amended*

The NRC is proposing to establish hourly rates to recover the full cost of activities under part 170, and to use these rates to calculate "flat" application fees. Additionally, the NRC is proposing to charge Federal agencies part 170 fees (with the exception of certain Federally-owned test and research reactors); clarify that the tracking and monitoring of shipments necessary for certain licensing actions is subject to full cost fees under part 170; establish additional import/export fee categories (subclasses); and make minor administrative changes for purposes of

clarification, consistency, and to eliminate redundancy.

The NRC is proposing the following changes:

1. Hourly Rates

The NRC is proposing to establish in § 170.20 two professional hourly rates for NRC staff time. These proposed rates would be based on the number of FY 2006 direct program full time equivalents (FTEs) and the NRC's FY 2006 fee recoverable budget, excluding direct program support costs. These rates are used in assessing full cost fees for specific services provided, as well as flat fees for certain application reviews. The proposed rate for the Nuclear Reactor Safety (Reactor) Program is \$217 per hour. This rate would be applicable to all activities for which fees are assessed under § 170.21 of the fee regulations (with the exception of reactor decommissioning and import/export licensing activities). The proposed rate for the Nuclear Materials and Waste Safety (Materials) Program is \$215 per hour. This rate would be applicable to all activities for which fees are assessed under § 170.31 of the fee regulations, as well as the reactor decommissioning and import/export activities under § 170.21. In the FY 2005 final fee rule, the Reactor and Materials Program rates were \$205 and \$197, respectively. The increases to the Reactor and Materials Program rates are due to the recent Government-wide pay raise and to the more accurate allocation of agency overhead to these Programs and fee-exempt activities.

The hourly rate is derived by dividing the sum of budgeted resources for (1) direct labor, (2) allocated program overhead, and (3) allocated agency overhead, by budgeted direct hours. This calculation is performed for both the Reactor and Materials Programs, and excludes the budgeted resources and associated overhead for fee exempt activities. The specific method used to determine the two professional hourly rates is as follows:

a. Direct program budgeted FTE, as well as all associated program overhead (FTE and contracts), are allocated at the planned activity level to the fee classes and surcharge (*i.e.*, fee exempt) categories based on who benefits from

these activities. Direct contract support, which is the use of contract or other services in support of the line organization's mission-direct program, is excluded from the calculation of the hourly rates because the costs for direct contract support are recovered directly through either part 170 or 171 fees.

b. All management and support budgeted resources (FTE and contracts), including resources associated with the Office of the Inspector General, are allocated to each fee class and surcharge category based on the percent of the total budgeted resources allocated to each fee class and surcharge category in step a.

c. The hourly rate for the Reactor Program is calculated by dividing the total budgeted resources (calculated in steps a. and b.) allocated to the power reactor and test and research reactor fee classes by the direct hours allocated to those classes. Similarly, the hourly rate for the Materials Program is calculated by dividing the total budgeted resources allocated to the spent fuel/reactor decommissioning, fuel facility, transportation, materials users, uranium recovery, rare earth, and import/export fee classes by the direct hours allocated to those fee classes. An hourly rate for surcharge activities is not needed, however, the appropriate allocation of budgeted resources (including all associated overhead) and hours to the surcharge categories is calculated to ensure that these budgeted resources and hours are excluded from the Reactor and Materials Program hourly rates.

The direct hours used in the denominator of this hourly rate calculation continue to be calculated based on an estimate of 1,446 direct hours worked per direct FTE per year, as established in the FY 2005 fee rule (70 FR 30526; May 26, 2005). As explained in the FY 2005 fee rule, this estimate is based on data from the NRC's time and labor system. The NRC continues to believe this estimate appropriately reflects the direct time expended per direct FTE.

Table II shows the results of this hourly rate calculation methodology. Due to rounding, adding the individual numbers in the table may result in a total that is slightly different than the one shown.

TABLE II.—FY 2006 BUDGET AUTHORITY TO BE INCLUDED IN HOURLY RATES

	Reactor program	Materials program
Direct Program Salaries & Benefits .....	\$182.4M	\$41.4M
Program Overhead Salaries & Benefits, and Contract Support .....	81.9M	18.0M
Allocated Agency Management and Support .....	151.5M	34.0M
Subtotal .....	415.7M	93.4M
Less Offsetting Receipts .....	-0.1M	-0.0M
Total Budget Included in Hourly Rate .....	\$415.6M	\$93.4M
Program Direct FTEs .....	1,322.8	300.6
Professional Hourly Rate (Total Budget Included in Hourly Rate divided by Program Direct FTE times 1,446 hours) .....	\$217	\$215

As shown in Table II, dividing the \$415.6 million budgeted amount (rounded) included in the hourly rate for the Reactor Program by the Reactor Program direct hours (1,322.8 FTE times 1,446 hours) results in an hourly rate of \$217 for the Reactor Program for FY 2006. Similarly, dividing the \$93.4 million budgeted amount (rounded) included in the hourly rate for the Materials Program by the program direct hours (300.6 FTE times 1,446 hours) results in an hourly rate of \$215 for the Materials Program in FY 2006. These hourly rates are rounded to the nearest whole dollar.

## 2. Fee Adjustments

The NRC is proposing to adjust the current part 170 fees in §§ 170.21 and 170.31 to reflect the changes in the revised hourly rates. The full cost fees assessed under §§ 170.21 and 170.31 would be based on the proposed professional hourly rates and any direct program support (contractual services) costs expended by the NRC. Any professional hours expended on or after the effective date of the final rule would be assessed at the FY 2006 hourly rates.

The fees in §§ 170.21 and 170.31 that are based on the average time to review an application (flat fees) would be adjusted to reflect the change in the Materials Program professional hourly rate from FY 2005. The proposed flat fees are calculated by multiplying the average professional staff hours needed to process the licensing actions by the proposed Materials Program professional hourly rate for FY 2006. The agency estimates the average professional staff hours needed to process licensing actions every other year as part of its biennial review of fees performed in compliance with the Chief Financial Officers Act of 1990 (Pub. L. 101-578). (This review was last performed as part of the FY 2005 fee rulemaking.) The amounts of the materials licensing flat fees are rounded so that the fees would be convenient to

the user and the effects of rounding would be "*de minimis*." Fees under \$1,000 are rounded to the nearest \$10, fees that are greater than \$1,000 but less than \$100,000 are rounded to the nearest \$100, and fees that are greater than \$100,000 are rounded to the nearest \$1,000.

The proposed licensing flat fees are applicable for fee categories K.1 through K.5 of § 170.21, and fee categories 1.C, 1.D, 2.B, 2.C, 3.A through 3.P, 4.B through 9.D, 10.B, 15.A through 15.R, 16, and 17 of § 170.31. The proposed higher hourly rate of \$215 for the Materials Program is the reason for the increases in these proposed licensing fees. Applications filed on or after the effective date of the final rule would be subject to the revised fees in this proposed rule.

## 3. Charging Part 170 Fees to Federal Agencies/Fees for Research Reactors

The NRC proposes to amend §§ 170.11 and 170.31 to provide that part 170 fees will be assessed to Federal agencies where applicable. Under the Energy Policy Act of 2005 (Section 623), the NRC was granted authority to assess fees for specific services provided to any Federal government agency which applies to the NRC for, or is issued by the NRC, a license or certificate. The NRC currently recovers the costs of licensee-specific activities for non-Federal licensees, applicants, and certificate holders under part 170, but lacked the authority to assess these fees to Federal agencies (other than the Tennessee Valley Authority) until the effective date of the Energy Policy Act.

Because activities such as processing license applications provide a specific benefit to the recipient, the Commission believes it is fair and appropriate to implement this new authority and thereby recover the costs of providing specific services to Federal agencies through part 170 fees. The NRC has provided written notification to Federal agencies, that have an NRC license or

certificate, that the NRC plans to implement this new authority in the FY 2006 final fee rule, so that they may include this cost in their budgets.

The Commission notes that this provision of the Energy Policy Act of 2005 cannot legally be applied to services the NRC provides to Federal agencies that are not NRC licensees, certificate holders, or applicants. Therefore, the NRC is not proposing to charge part 170 fees to Federal agencies for activities that are not subject to NRC licensing. Examples of NRC activities not related to a license or certificate, and therefore not subject to part 170 fees under this proposed rulemaking, include those to support the DOE in its decommissioning of the West Valley site in New York, and technical assistance provided to the Department of Transportation for certain foreign approved transport package designs for import/export (for which NRC does not have regulatory authority).

Under these proposed changes to part 170, Federal agency licensees, certificate holders, and applicants would be assessed fees in the same manner as are non-Federal agency licensees, certificate holders, and applicants. This means that Federal agencies would be required to pay part 170 fees for NRC services provided, including reviews of applications and other licensing actions, inspections, and decommissioning activities. This change does not require the calculation of any new fee amounts or establishment of new fee categories for Federal agencies. The only exception is that the NRC is proposing to establish a new flat application fee of \$17,800 for fee category 17, "Master materials licenses of broad scope issued to Government agencies," under § 170.31. There is currently no application fee listed for this fee category because the only licensees in this fee category are for the Federal government. The proposed flat application fee was calculated in the same manner as other flat application fees; it equals the product of the average

hours estimated to process these types of applications and the Materials Program hourly rate. Because of insufficient data on average processing times for these master materials licenses (because there are only three such NRC licensees), the NRC based its estimate of average processing time for master materials licensees on other license applications of similar complexity.

Additionally, to implement this new authority, the NRC is proposing to change fee category 18.A under § 170.31 to specify that full cost fees will be assessed for licensing and inspection activities associated with DOE's part 71 Certificates of Compliance.

The NRC is proposing to exempt from part 170 fees Federally-owned test and research reactors that meet the fee exemption criteria set forth in Section 2903 of the Energy Policy Act of 1992 (Pub. L. 102-486). [These criteria relate to factors such as thermal power level and whether the reactor contains a liquid fuel loading, and are listed under both §§ 170.11(a)(9) and 171.11(a)(2). Three Federally-owned research reactors currently meet this criteria (reactors at the Veteran's Administration Medical Center in Omaha, Nebraska, the U.S. Geological Survey in Denver, Colorado, and the Armed Forces Radiobiological Institute in Bethesda, Maryland)]. As implemented by § 171.11(a)(2), Federally-owned test and research reactors that meet the statutory criteria are already exempt from paying annual fees. At the time Congress enacted this fee exemption, however, Federally-owned reactors (other than the Tennessee Valley Authority) were not subject to part 170 fees. Therefore, the exemption criteria set forth in the Energy Policy Act of 1992 did not specifically address part 170 fees. Now that NRC has the authority to charge part 170 fees to Federally-owned reactors, the NRC believes that it is appropriate as a matter of policy to apply the same criteria to Federally-owned test and research reactors, and exempt those meeting the criteria from part 170 fees. State-owned reactors meeting this same criteria are currently exempt from part 170 fees under § 170.11(a)(9). The Commission explained the rationale for this decision in the FY 1994 fee rule (59 FR 36895; July 20, 1994) by stating that the NRC believed this was " \* \* \* consistent with the legislative intent of the Energy Policy Act of 1992 that government-owned research reactors be exempt from fees if they meet the technical design criteria of the exemption and are used primarily for educational training and academic research purposes." The Commission continues to believe this is

consistent with the intent of the Energy Policy Act of 1992, and therefore is proposing to exempt these Federally-owned reactors from part 170 fees. However, the NRC will re-evaluate this proposal in formulating its final rule after reviewing any public comments.

Note, as part of the proposed revisions to § 170.11(a)(9), the NRC is clarifying that the fee exemption therein remains in effect even after the reactors meeting this criteria are no longer authorized to operate.

#### 4. Charging Part 170 Fees for Tracking and Monitoring Shipments of Classified Matter

The NRC is proposing to clarify that full cost part 170 fees will be assessed to track and monitor shipments of classified materials (e.g., components of gas centrifuge uranium enrichment facilities). The NRC currently has under review applications to build and operate gas centrifuge uranium enrichment facilities. Because of the sensitive technology, many of the components associated with these facilities are classified as Restricted Data under the Atomic Energy Act of 1954 (Pub. L. 83-703), as amended. Furthermore, some of these components are voluminous and cannot be transported under the standard classified matter transportation requirements of § 95.39(b) and (c) (e.g., double wrapping, marking, and tracking). In these cases, the NRC requires the licensee or applicant to submit a security plan under § 95.39(e) for transporting this non-standard classified matter. One aspect of classified matter transportation security plans is continuous telemetric position monitoring and tracking of shipments of classified matter, including a capability for notification of local law enforcement officials and the NRC in the case of an emergency.

Because of the inherent national security concerns associated with the transportation of Restricted Data components and the current threat environment, the NRC has not considered permitting licensees to establish their own telemetric position monitoring and tracking capability for shipments of classified matter, nor to contract with a commercial service to meet this requirement. Instead, the NRC intends to require that these shipments be tracked and monitored by a U.S. government owned or operated system (e.g., systems operated by the U.S. Departments of Defense or Energy). As such, the NRC is establishing an interagency agreement and memorandum of understanding and reimbursable agreement with another government agency to provide the

necessary tracking, monitoring, and communications center capabilities. Accordingly, the costs incurred by the NRC from this other government agency in monitoring these shipments will be passed on to the applicable licensee in full. While this is a new activity, the recovery of these costs through part 170 fees is consistent with the NRC's existing full cost recovery policy for licensing activities.

The NRC is proposing to make this clarification by modifying the definition of "special projects" in § 170.3 to include this type of activity. This definition currently includes examples of special projects; including this activity as an example would ensure that licensees are informed that these activities are subject to part 170 fees.

#### 5. Revisions to Import/Export Fee Categories

The NRC is proposing to modify the import and export fee categories at § 170.31 to reflect revisions to 10 CFR part 110 that were published on July 1, 2005 (70 FR 37985), effective December 28, 2005. These part 110 revisions take into account provisions in the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources concerning the import and export of radioactive sources, and the supplemental IAEA guidance on the Import and Export of Radioactive Sources.

The specific radioactive material and quantities newly covered by NRC regulations, per the July 1, 2005 revisions, are listed in Table 1 of Appendix P to part 110, and are essentially identical to the list of radioactive materials in Category 1 and Category 2 of the Code of Conduct. The amendments to part 110 require NRC authorization of certain exports and imports by specific license. As a result of these changes, it is necessary to add additional import/export fee categories under § 170.31 to accommodate these new types of licensees.

Therefore, the NRC is proposing to modify fee category 15 at § 170.31 to include separate fee categories for Category 1 Exports (fee categories 15.F through 15.I), Category 2 Exports (fee categories 15.J through 15.L), Category 1 Imports (fee categories 15.M and 15.N), Category 2 Imports (fee category O), Category 1 Imports with Agent and Multiple Licensees (fee categories 15.P and 15.Q), and minor amendments to Category 1 and 2 Exports and Imports (fee category 15.R). As with other flat fees established under § 170.31, the proposed fees associated with each fee category reflect the NRC's estimate of



average hours required to process the license application, multiplied by the hourly rate. These proposed changes also establish that for a combined import and export license application for material listed in Appendix P to part 110, only the higher of the two applicable fee amounts must be paid. This is because the difference in level of effort associated with processing a combined import and export license versus processing just the export license (for the material listed in Appendix P to part 110, only) is negligible.

#### 6. Administrative Amendments

The NRC is proposing to eliminate the reference to "route approvals for shipment of radioactive materials" in the definition of "special projects" under § 170.31. This activity is currently covered under § 170.31, fee category 10 C., which establishes full cost recovery for this and other related activities; therefore, the additional reference to this activity as a special project (for which the NRC assesses full cost fees) is redundant.

The NRC is also proposing to modify § 170.11(a)(4) to clarify that the fee exemption does not apply if an institution meets at least one of the criteria listed in § 170.11(a)(4)(i)-(iv). Currently, these criteria are connected with an "and," rather than an "or," making it unclear whether the fee exemption in § 170.11(a)(4) applies to an institution that meets one of the criteria. This revised language would be consistent with the language used for this same exemption as applied to part 171 fees under § 171.11(a)(1) and would enhance the clarity of this provision.

Additionally, the NRC is proposing to clarify which hourly rate is applicable to which activities. Currently, § 170.20 states that the Reactor Program rate is applicable to § 170.21 activities, and the Materials Program rate is applicable to § 170.31 activities. The NRC is proposing to amend § 170.20 to clarify that (1) the Reactor Program hourly rate would be applicable to all activities for which fees are assessed under § 170.21 of the fee regulations, with the exception of reactor decommissioning and import/export licensing activities, and (2) the Materials Program rate is applicable to all activities for which fees are assessed under § 170.31 of the fee regulations, as well as the reactor decommissioning and import/export activities under § 170.21. This change would better align the applicable hourly rate with the data used to calculate that rate (i.e., reactor decommissioning resources are included in the Materials Program hourly rate).

Finally, the NRC is proposing to create a new fee category under § 170.31, which would effectively split the current fee category 1.A.2.b ("other" fuel facilities) into two categories, one for gas centrifuge enrichment demonstration facilities and one for hot cell facilities. This change would keep the fee categories under parts 170 and 171 consistent, in light of the same change the NRC is proposing to make to § 171.16. This change would not affect part 170 fee recovery requirements, as each category would be subject to full cost part 170 fees where applicable. This change would result in different annual fees for the existing fee category 1.A.2.b and the new fee category 1.A.2.c, as explained in more detail under Section B.5 of this document.

In summary, the NRC is proposing the following changes to 10 CFR part 170—

1. Establish revised Reactor and Materials Program hourly rates;
2. Revise the licensing fees to be assessed to reflect the Reactor and Materials Program hourly rates;
3. Amend §§ 170.11 and 170.31 to provide that part 170 fees will be assessed to Federal agencies where applicable (except for certain Federally-owned research reactors);
4. Revise § 170.3 to clarify that full cost part 170 fees will be assessed to track and monitor shipments of classified matter;
5. Modify the import and export fee categories under § 170.31; and
6. Make minor administrative changes for purposes of clarification, consistency, and to eliminate redundancy.

#### *B. Amendments to 10 CFR Part 171: Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC*

The NRC proposes to proceed with a presumption in favor of rebaselining annual fees beginning with the final FY 2006 rule; recover generic transportation costs as part of other existing annual fees; revise the annual fees for FY 2006 to reflect the FY 2006 budget, changes in the number of NRC licensees, and the division of an existing fuel facilities fee category into two categories; eliminate the existing fee payment method exception for Class I and Class II uranium recovery licensees; and make an administrative change to clarify the definition of "overhead and general and administrative costs." The proposed amendments are described below.

#### 1. Rebaselining Annual Fees

The NRC uses one of two methods to determine the amounts of the annual fees established in its fee rule each year. One method is "rebaselining," for which the NRC's budget is analyzed in detail and budgeted resources are allocated to fee classes and categories of licensees. The second method is the "percent change" method, for which fees are revised based on the percent change in the total budget, taking into account other adjustments, such as the number of licensees and the projected revenue to be received from part 170 fees.

The NRC is proposing to establish rebaselined annual fees for FY 2006, and to proceed with a presumption in favor of rebaselining when determining annual fees for FY 2007 and beyond. The Commission's previous policy regarding the method of calculating annual fees, made in the statement of consideration of the FY 1995 fee rule (60 FR 32218; June 20, 1995), and further explained in the statement of consideration of the FY 1999 fee rule (64 FR 31448; June 10, 1999), was that annual fees would be rebaselined at least every third year, and more frequently if there was a substantial change in the total NRC budget or in the magnitude of the budget allocated to a specific class of licensees. The NRC is proposing to establish a presumption in favor of rebaselining beginning with the FY 2006 rulemaking because (1) rebaselining is usually appropriate because there is often a substantial change in the total NRC budget or in the magnitude of the budget allocated to a specific class of licensees, and (2) delaying rebaselining can result in larger fee changes in the years when fees are rebaselined. The use of the percent change method would remain an option should there be a year in which there are no significant changes to the total budget or individual programs for fee classes. The NRC expects that in most years, annual fees would be rebaselined.

Until FY 1996, annual fees were determined using the rebaselining method. In an effort to stabilize fees, the NRC decided to adjust annual fees using the percent change method beginning in FY 1996, unless there was a substantial change in the NRC budget or in the magnitude of a specific budget allocation to a class of licensees. Fees were determined using the percent change method in the FYs 1996-1998 fee rules.

The NRC rebaselined fees in the FY 1999 fee rule, and solicited comment on the use and frequency of the percent change method. Some commenters,

such as the Nuclear Energy Institute, supported rebaselining every year, believing that this method best supports the accurate alignment of costs to fee classes and the in-depth review needed to maximize agency efficiency. Other commenters appreciated the fee stability provided by the percent change method. In response to these comments, the Commission determined that annual fees should be rebaselined every three years, or more frequently if there is a substantial change in the total NRC budget or in the magnitude of the budget allocated to a specific class of licensees. Fees were calculated using the percent change method in FY 2000, and were rebaselined in FYs 2001–2005.

As mentioned previously, the NRC believes that it should proceed, in future rulemakings, with a presumption in favor of rebaselining because there is often a substantial change in the total NRC budget or in the magnitude of the budget allocated to a specific class of licensees. Changes occurring in FY 2006 and beyond that warrant a rebaselining of fees include those in the areas of new reactor licensing, homeland security (including the removal of certain homeland security costs from the fee base beginning in FY 2007, per the Energy Policy Act of 2005), and new regulatory authority for naturally occurring and accelerator produced radioactive material. Accordingly, the Commission has concluded that the percent change method should be used infrequently, and therefore, is proposing to proceed with a presumption in favor of rebaselining each year beginning with this fee rule.

## 2. Recovering Generic Transportation Costs as Part of Other Existing Annual Fees

The NRC is proposing that generic transportation costs unrelated to DOE be recovered as part of existing annual fees for license fee classes, rather than through a separate annual fee for part 71 Quality Assurance (QA) program approval holders (as is the current practice). Under this change, the annual fee for fee categories 10.B.1 and 10.B.2 under § 171.16 would be eliminated; however, the NRC is not proposing to change or eliminate the annual fee under § 171.16, fee category 18.A, for DOE transportation activities, which would continue to be calculated using the current methodology (described further under Section 3.h of this document). This change would enhance the equity of NRC's fees, increase the consistency of 10 CFR parts 71 and 72 fee recovery, and decrease the administrative burden associated with a separate transportation annual fee.

All NRC licensees must perform some activities related to the transportation of radioactive material as a necessary part of their licensed activities. This transportation is authorized by their NRC license (under 10 CFR parts 30, 40, 50, 70, etc.). [10 CFR 71.17 establishes a general license that authorizes NRC licensees to make shipments using packages with an approved Certificate of Compliance (CoC), without further approval.] For example, all licensees receive licensed material at their site, and ship products and waste materials. Because the NRC does not issue separate licenses under part 71 for transportation activities, the NRC currently recovers the cost of all "generic" transportation activities (*i.e.*, those activities that are not licensee-specific, and therefore not recovered through part 170 fees) through annual fees for QA program approvals. QA program approvals are required for entities holding NRC approved CoCs for transportation packages and for licensees that ship large (Type B) quantities of radioactive material or fissile material. NRC licensees must also use an approved CoC to transport radioactive material.

The NRC currently charges annual fees for the two types of QA program approvals it issues: (1) Use (approximately 80 programs), and (2) use and fabrication (approximately 40 programs). However, the resources for generic transportation activities—which are recovered through these two annual fees—support many other transportation-related NRC approvals and services, including the issuance of CoCs, route approvals, and evaluations of transportation devices and security plans. (The NRC charges part 170 fees for these specific services, not annual fees for various reasons.)

One reason this approach raises fairness concerns is that a company is required to have only one QA program approval regardless of the number of CoCs it holds. This means companies pay the same annual fee regardless of whether they own one or many CoCs. As industry consolidation has increased over the past decade and the NRC has issued fewer QA program approvals, this equity concern has increased.

The NRC believes generic transportation resources would be recovered more equitably if these costs were included in the existing annual fees for NRC licenses for 10 CFR parts 30, 40, 50, 70, etc. The resources associated with generic transportation activities would be distributed to the license fee classes based on the number of CoCs benefitting (used by) that fee class, as a proxy for the generic transportation resources expended for

each fee class. (This is a method similar to that used to calculate DOE's annual fee for transportation activities under § 171.16 fee category 18.A.) In this way, the annual fee for a license would include the estimated share of transportation resources needed to support that license, similar to the recovery of other types of generic resources such as rulemakings and risk assessments. Note the amount of generic transportation resources distributed to the fee classes does not include the cost of activities associated with fee-exempt entities (*e.g.*, nonprofit educational institutions). Additionally, the distribution of these resources to the fee classes is adjusted to account for the licensees in each fee class that are fee exempt. [For example, if two CoCs benefit the entire test and research reactor class, but only four of 31 test and research reactors are subject to annual fees, the number of CoCs used to determine the proportion of generic transportation resources allocated to test and research reactor annual fees equals  $((4/31)*2)$ , or 0.26 CoCs.]

Under this new approach, reactors would pay approximately 38 percent of these costs in FY 2006, materials users approximately 32 percent, fuel facilities approximately 21 percent, spent fuel/reactor decommissioning licensees approximately nine percent, and test and research reactors approximately 0.3 percent.

This new approach would also increase the consistency of parts 71 and 72 fee recovery. Part 72 QA programs are approved as part of the CoC approval process, and an annual fee is not assessed for either this QA approval or the CoC. The generic costs associated with spent fuel storage are recovered as part of the annual fee assessed to operating power reactors, decommissioning power reactors, and independent spent fuel storage installation licensees who do not hold a part 50 license.

Finally, an additional benefit of this approach is that it would decrease administrative burden and costs for both NRC and licensees by eliminating a required systems interface for NRC fee billing purposes, as well as reduce the number of NRC bills and accounts receivable transactions.

## 3. Revised Annual Fees

The annual fees in §§ 171.15 and 171.16 would be revised for FY 2006 to recover approximately 90 percent of the NRC's FY 2006 budget authority, less the estimated amount to be recovered through part 170 fees and the amounts appropriated from the NWF and for WIR activities. The total amount to be

recovered through annual fees for FY 2006 is \$436.2 million, compared to \$380.5 million for FY 2005.

Rebaselining fees in FY 2006 would result in increased annual fees compared to FY 2005 for all licensees, with the exception of certain fuel facilities. The proposed increases in annual fees range from less than one percent for certain fuel facilities to approximately 120 percent for uranium recovery facilities. However, most of the annual fee increases are of similar magnitude to the percentage increase in total required fee recovery of approximately 15 percent. The annual fee for certain medical licensees (fee category 7C) and industrial users of nuclear material (fee category 3P), which are the two fee categories with the largest number of licensees (with a combined total of over 3,300 of the NRC's approximately 4,500 materials users licensees), would increase by approximately 18 percent and 16 percent, respectively.

As mentioned previously, the most significant factor affecting the changes to the annual fee amounts is the increase in the NRC's fee recoverable budget in FY 2006. The NRC's fee recoverable budget, as mandated by law,

is \$83.4 million larger in FY 2006 as compared to FY 2005, an increase of over 15 percent. Much of this increase is for the additional workload demand in areas such as new plant licensing and security. Other factors include adjustments in the distribution of budgeted costs to the different classes of licenses (based on the specific activities NRC will perform in FY 2006) and the estimated part 170 collections for the various classes of licenses. The percentage of the NRC's budget not subject to fee recovery remained unchanged at ten percent from FY 2005 to FY 2006.

Note that the NRC's total estimated part 170 fee collections increased by over 22 percent in FY 2006 (compared to FY 2005 actual part 170 collections), so that the percent of total fees collected under part 170 is estimated to be 30.2 percent in FY 2006, versus 29 percent for FY 2005. This increase is mainly due to the increase in the FY 2005 hourly rates as compared to the FY 2004 hourly rates. As discussed in the FY 2005 rulemaking, the higher hourly rates established in FY 2005 would increase part 170 fee collections beginning in FY 2006. (These rates took effect near the end of FY 2005, and the NRC began

collecting receipts from these higher rates as of the beginning of FY 2006.) Because costs not recovered under part 170 are recovered through part 171 annual fees, an increase in total part 170 fee collections results in a reduction in total annual fees by the same amount. Because of the higher hourly rates and resulting higher part 170 fee collections in FY 2006, the FY 2006 annual fees are lower than they would have been had NRC not established higher hourly rates in FY 2005.

Note the annual fees shown in this section are proposed annual fees based on the latest information available during the development of this proposed rule. Annual fees may change between the FY 2006 proposed and final fee rules in light of revised projections of part 170 fee collections for each fee class, which are based on the latest available data on part 170 activities. Annual fees may also change if there are significant changes in the allocation of the budget to planned activities.

Table III shows the proposed rebaselined annual fees for FY 2006 for a representative list of categories of licenses. The FY 2005 fee is also shown for comparative purposes.

TABLE III.—REBASELINED ANNUAL FEES FOR FY 2006

Class/category of licenses	FY 2005 annual fee	FY 2006 annual fee
Operating Power Reactors (including Spent Fuel Storage/Reactor Decommissioning annual fee) .....	\$3,155,000	\$3,655,000
Spent Fuel Storage/Reactor Decommissioning .....	159,000	168,000
Test and Research Reactors (Nonpower Reactors) .....	59,500	76,300
High Enriched Uranium Fuel Facility .....	5,449,000	5,579,000
Low Enriched Uranium Fuel Facility .....	1,632,000	1,643,000
UF <sub>6</sub> Conversion Facility .....	699,000	1,076,000
Conventional Mills .....	30,200	66,400
Typical Materials Users:		
Radiographers .....	12,800	15,300
Well Loggers .....	4,100	4,700
Gauge Users (Category 3P) .....	2,500	2,900
Broad Scope Medical .....	27,300	32,600

The annual fees assessed to each class of licenses include a surcharge to recover those NRC budgeted costs that are not directly or solely attributable to the classes of licenses, but must be recovered from licensees to comply with the requirements of OBRA-90, as

amended. Based on the FY 2006 EWDA, which amended OBRA-90 to require that the NRC recover 90 percent of its budget in FY 2006, the total surcharge costs for FY 2006 will be reduced by approximately \$69.3 million. The total FY 2006 budgeted

costs for these activities and the reduction in the total surcharge amount for fee recovery purposes are shown in Table IV (individual values may not sum to totals due to rounding).

TABLE IV.—SURCHARGE COSTS  
[Dollars in millions]

Category of costs	FY 2006 budgeted costs
1. Activities not attributable to an existing NRC licensee or class of licensee:	
a. International activities .....	\$14.1
b. Agreement State oversight .....	8.0

TABLE IV.—SURCHARGE COSTS—Continued  
[Dollars in millions]

Category of costs	FY 2006 budgeted costs
c. Activities for unlicensed sites (includes decommissioning costs associated with unlicensed sites, formerly referred to as site decommissioning management plan activities not recovered under part 170; also includes activities associated with unregistered general licensees) .....	5.4
2. Activities not assessed part 170 licensing and inspection fees or part 171 annual fees based on existing law or Commission policy:	
a. Fee exemption for nonprofit educational institutions .....	11.9
b. Licensing and inspection activities associated with other Federal agencies .....	1.4
c. Costs not recovered from small entities under 10 CFR 171.16(c) .....	5.7
3. Activities supporting NRC operating licensees and others:	
a. Regulatory support to Agreement States <sup>1</sup> .....	20.2
b. Generic decommissioning/reclamation (except those related to power reactors) .....	6.5
Total surcharge costs .....	73.1
Less 10 percent of NRC's FY 2006 total budget (less NWF) .....	-69.3
Total Net Surcharge Costs to be Recovered .....	3.7

<sup>1</sup> This estimate includes the costs of homeland security activities associated with sources in Agreement States, even though regulatory authority remains with the NRC for these activities. However, fees are not assessed to sources in Agreement States for these activities, therefore these costs are included in this surcharge category. Additionally, this estimate includes some costs associated with establishing a regulatory infrastructure for naturally occurring and accelerator produced radioactive material because this infrastructure will further the future regulation of these sources by both NRC and Agreement States.

As shown in Table IV, \$3.7 million would be the total net surcharge cost allocated to the various classes of licenses for FY 2006 (i.e., that portion of the total surcharge not covered by the NRC's 10 percent fee relief). The NRC would continue to allocate these surcharge costs to each class of licenses based on the percent of the budget for

that fee class compared to the NRC's total budget. The proposed surcharge costs allocated to each class would be included in the annual fee assessed to each licensee. The proposed FY 2006 surcharge costs (and the percent of total surcharge costs) allocated to each class of licenses, are shown in Table V (individual amounts may not sum to

totals due to rounding). Separately, the NRC would continue to allocate the low-level waste (LLW) surcharge costs based on the volume of LLW disposal of certain classes of licenses. For FY 2006, the LLW surcharge costs are \$3.5 million.

TABLE V.—ALLOCATION OF SURCHARGE

	LLW surcharge		Non-LLW surcharge		Total surcharge
	Percent	\$M	Percent	\$M	\$M
Operating Power Reactors .....	74	2.6	83.5	3.1	5.7
Spent Fuel Storage/Reactor Decomm .....			4.4	0.2	0.2
Test and Research Reactors .....			0.1	0	0
Fuel Facilities .....	8	0.3	6.8	0.3	0.5
Materials Users .....	18	0.6	4.2	0.2	0.8
Transportation .....			0.4	0	0
Rare Earth Facilities .....			0.1	0	0
Uranium Recovery .....			0.4	0	0
Total Surcharge .....	100	3.5	100.0	3.7	7.2

The budgeted costs allocated to each class of licenses and the calculations of the rebaselined fees are described in paragraphs a. through h. below. The workpapers which support this proposed rule show in detail the allocation of NRC's budgeted resources for each class of licenses and how the fees are calculated. The Commission notes that it is providing improved summary documentation of the fee calculations used in this rulemaking as part of the publicly available

documents, and believes that these new reports will enhance the transparency of the fee calculations and provide additional explanation of any changes in fees. These reports summarize the FY 2006 budgeted FTE and contract dollars, at the planned activity and program level, allocated to each fee class and surcharge category, and compares these allocations to those used to develop final FY 2005 fees. The workpapers are available electronically at the NRC's Electronic Reading Room on the Internet

at Web site address <http://www.nrc.gov/reading-rm/adams.html>. During the 30-day public comment period, the workpapers may also be examined at the NRC Public Document Room located at One White Flint North, Room O-1F22, 11555 Rockville Pike, Rockville, MD 20852-2738.

Note all budgeted resources and annual fee amounts presented in this document reflect an increase in the full cost of an FTE. This increase occurred due to the Government-wide pay raise

and the more accurate allocation of overhead to the FTEs supporting fee classes versus surcharge categories, which increased the full cost of FTEs supporting fee classes. (As a percent of total fee-based budgeted resources, the resources associated with NRC's overhead actually declined from FY 2005 to FY 2006). As such, some fee classes reflect a small increase in the dollar value of allocated budgeted

resources, even while the number of FTE and value of contract dollars allocated to that fee class declined slightly.

a. *Fuel Facilities.* The FY 2006 budgeted cost to be recovered in the annual fees assessment to the fuel facility class of licenses is approximately \$25.5 million. This value is derived based on the full cost of budgeted resources associated with all

activities that support this fee class, which is reduced by estimated part 170 collections and adjusted to reflect the net allocated surcharge, any allocated generic transportation resources, and billing adjustments. The summary calculations used to derive this value are presented in Table VI for FY 2006, with FY 2005 values shown for comparison purposes (individual values may not sum to totals due to rounding):

TABLE VI.—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES  
[Dollars in millions]

Summary fee calculations fuel facility fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$38.2	\$41.0
Less estimated part 170 receipts .....	-14.3	-16.9
Net part 171 resources .....	24.0	24.1
Plus allocated generic transportation .....	+ N/A	+0.8
Plus allocated surcharge .....	+ 0.4	+0.5
Billing adjustments (including carryover and budget rescission) .....	-0.2	+0.0
Total required annual fee recovery .....	24.1	25.5

The increase in total fuel facilities annual fees is partly attributable to a small increase in the value of total budgeted resources supporting this fee class, which is due mostly to an increase in the full cost of an FTE (as explained previously), along with the addition of allocated transportation resources.

The total required annual fee recovery amount is allocated to the individual fuel facility licensees based on the effort/fee determination matrix established in the FY 1999 final fee rule (64 FR 31448; June 10, 1999). In the matrix (which is included in the NRC workpapers that are publicly available), licensees are grouped into categories according to their licensed activities (*i.e.*, nuclear material enrichment, processing operations, and material form) and according to the level, scope, depth of coverage, and rigor of generic regulatory programmatic effort applicable to each category from a safety and safeguards perspective. This methodology can be applied to determine fees for new licensees, current licensees, licensees in unique license situations, and certificate holders.

This methodology is adaptable to changes in the number of licensees or certificate holders, licensed or certified material and/or activities, and total programmatic resources to be recovered through annual fees. When a license or certificate is modified, it may result in a change of category for a particular fuel facility licensee as a result of the

methodology used in the fuel facility effort/fee matrix. Consequently, this change may also have an effect on the fees assessed to other fuel facility licensees and certificate holders. For example, if a fuel facility licensee amends its license/certificate in such a way (*e.g.*, decommissioning or license termination) that results in it not being subject to part 171 costs applicable to the fee class, then the budgeted costs for the safety and/or safeguards components will be spread among the remaining fuel facility licensees/certificate holders.

The methodology is applied as follows. First, a fee category is assigned based on the nuclear material and activity authorized by license or certificate. Although a licensee/certificate holder may elect not to fully use a license/certificate, the license/certificate is still used as the source for determining authorized nuclear material possession and use/activity. Next, the category and license/certificate information are used to determine where the licensee/certificate holder fits into the matrix. The matrix depicts the categorization of licensees/certificate holders by authorized material types and use/activities.

Once the structure of the matrix is established, the NRC's fuel facility project managers and regulatory analysts determine the level of effort associated with regulating each of these facilities. This is done by assigning, for each fuel facility, separate effort factors for the safety and safeguards activities

associated with each type of regulatory activity. The matrix includes ten types of regulatory activities, including enrichment and scrap/waste related activities (see the workpapers for the complete list). Effort factors are assigned as follows: zero (no regulatory effort), one (low regulatory effort), five (moderate regulatory effort), and ten (high regulatory effort). These effort factors are then totaled for each fee category, such that each fee category has a total effort factor for safety activities and a total effort factor for safeguards activities.

The budgeted resources for safety activities are then allocated to each fee category based on its percent of the total regulatory effort for safety activities. For example, if the total effort factor for safety activities for all fuel facilities is 100, and the total effort factor for safety activities for a given fee category is ten, that fee category will be allocated ten percent of the total budgeted resources for safety activities. Similarly, the budgeted resources for safeguards activities are allocated to each fee category based on its percent of the total regulatory effort for safeguards activities.

The proposed effort factors for the various fuel facility fee categories are summarized in Table VII. The value of the effort factors shown, as well as the percent of the total effort factor for all fuel facilities, reflects the total for each fee category (not per facility). Note this table includes the addition of a new fee

category, as discussed immediately following the table.

TABLE VII.—EFFORT FACTORS FOR FUEL FACILITIES

Facility type (fee category)	Number of facilities	Effort factors (percent of total)	
		Safety	Safeguards
High Enriched Uranium Fuel .....	2	101 (38.0)	96 (52.2)
Enrichment .....	2	70 (26.3)	40 (21.7)
Low Enriched Uranium Fuel .....	3	66 (24.8)	21 (11.4)
UF <sub>6</sub> Conversion .....	1	12 (4.5)	70 (3.8)
Limited Operations .....	1	8 (3.0)	3 (1.6)
Gas Centrifuge Enrichment Demonstration .....	1	3 (1.1)	15 (8.2)
Hot Cell .....	1	6 (2.3)	2 (1.1)

The NRC is proposing to divide fee category 1.A.2.b under § 170.31 into two categories, and use the existing fee methodology to establish separate annual fees for these two categories. Currently, fee category 1.A.2.b captures all fuel facility licensees that do not fall into other fee categories. There are currently two licensees in this fee category; one is a gas centrifuge enrichment demonstration facility, and one is a hot cell facility. The NRC provides significantly different levels of regulatory support for these facilities; for example, the gas centrifuge enrichment demonstration facility

generates and requires the safe management of significantly greater amounts of sensitive information. For this reason, the NRC proposes to divide this fee category into two categories to separately establish annual fees for these two types of facilities based on the NRC's resources (*i.e.*, level of effort) specifically associated with regulating each type of facility. This would better align the NRC's budgeted resources with the fees assessed to these two facilities.

Applying the FY 2006 proposed effort factors (as summarized in Table VII) to the safety, safeguards, and surcharge components of the \$25.5 million total

annual fee amount for the fuel facility class results in annual fees for each licensee within the categories of this class summarized in Table VIII. Note that the proposed annual fees for the gas centrifuge enrichment demonstration and UF<sub>6</sub> conversion facilities are higher than the FY 2005 annual fees because the safeguards effort factors for these facilities have been raised. These revised factors better reflect the effort levels associated with safeguards activities for these facilities, including those associated with interim compensatory measures and the handling of sensitive information.

TABLE VIII.—ANNUAL FEES FOR FUEL FACILITIES

Facility type (fee category)	FY 2006 annual fee
High Enriched Uranium Fuel .....	\$5,579,000
Uranium Enrichment .....	3,115,000
Low Enriched Uranium .....	1,643,000
UF <sub>6</sub> Conversion .....	1,076,000
Gas Centrifuge Enrichment Demonstration .....	1,019,000
Limited Operations Facility .....	623,000
Hot Cell .....	453,000

As mentioned previously, the NRC is currently reviewing applications to build and operate gas centrifuge uranium enrichment facilities. If these facilities are licensed to operate, they will be subject to an annual fee in accordance with the methodology

described previously. The NRC's current plans are to establish a separate fee category for these facilities.

b. *Uranium Recovery Facilities.* The total proposed FY 2006 budgeted cost to be recovered through annual fees assessed to the uranium recovery class

is approximately \$1.1 million. The derivation of this value is shown below, with FY 2005 values shown for comparison purposes. (Individual values may not sum to totals due to rounding.)

TABLE IX.—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations uranium recovery fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$2.01	\$2.34
Less estimated part 170 receipts .....	-1.30	-1.29
Net part 171 resources .....	0.71	1.05
Plus allocated generic transportation .....	+N/A	+N/A
Plus allocated surcharge .....	+0.01	+\$0.01
Billing adjustments (including carryover and budget rescission) .....	-0.01	+\$0.00

TABLE IX.—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES—Continued  
[Dollars in millions]

Summary fee calculations uranium recovery fee class	FY 2005 final	FY 2006 proposed
Total required annual fee recovery .....	0.70	1.07

The increase in budgeted resources reflects the reallocation of existing NRC FTE to uranium recovery licensing and inspection activities from other activities (e.g., Agreement State oversight). The part 170 estimate (as shown above) reflects an increase, over historical actual part 170 collections, to fully account for these additional activities. The FY 2006 part 170 estimate is not much different than the FY 2005 part 170 estimate because the FY 2005 estimate was higher than the actual part 170 collections.

Of the required annual fee collections, approximately \$736,000 would be assessed to DOE. The remaining \$332,000 would be recovered through annual fees assessed to conventional mills, in-situ leach solution mining facilities, and 11e.(2) mill tailings disposal facilities (incidental to existing tailings sites).

Consistent with the change in methodology adopted in the FY 2002 final fee rule (67 FR 42612; June 24, 2002), the total annual fee amount, less the amounts specifically budgeted for Title I activities, is allocated equally

between Title I and Title II licensees. This would result in an annual fee being assessed to DOE to recover the costs specifically budgeted for NRC's Title I activities plus 50 percent of the remaining annual fee amount, including the surcharge and generic/other costs, for the uranium recovery class. The remaining 50 percent of the surcharge and generic/other costs are assessed to the NRC Title II program licensees that are subject to annual fees. The costs to be recovered through annual fees assessed to the uranium recovery class are shown in Table X.

TABLE X.—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FEE CLASS

DOE Annual Fee Amount [Uranium Mill Tailings Radiation Control Act (UMTRCA) Title I and Title II general licenses]:	
UMTRCA Title I budgeted costs .....	\$403,825
50 percent of generic/other uranium recovery budgeted costs .....	324,808
50 percent of uranium recovery surcharge .....	7,010
Total Annual Fee Amount for DOE (rounded) .....	736,000
Annual Fee Amount for UMTRCA Title II Specific Licenses:	
50 percent of generic/other uranium recovery budgeted costs .....	324,808
50 percent of uranium recovery surcharge .....	7,010
Total Annual Fee Amount for Title II Specific Licenses .....	331,818

The matrix used to allocate the costs of various categories of Title II specific licensees has been reviewed and proposes to continue to equally weight, as in FY 2005, the effort levels for each category of uranium recovery facilities, in accordance with the NRC's FY 2006 budgeted activities. As such, each non-DOE uranium recovery licensee would be assessed an equal share of the total annual fee amount for UMTRCA Title II specific licenses. Additionally, the NRC is proposing to maintain the existing approach for establishing part 171 annual fees for Title II uranium recovery licensees (established in the FY 1995 fee rule; 60 FR 32218, June 20, 1995). This approach is as follows:

(1) The methodology identifies three categories of licensees: conventional uranium mills (Class I facilities), uranium solution mining facilities

(Class II facilities), and mill tailings disposal facilities (11e.(2) disposal facilities). Each category benefits from the generic uranium recovery program efforts (e.g., rulemakings, staff guidance documents);

(2) The matrix relates the category and the level of benefit by program element and subelement;

(3) The two major program elements of the generic uranium recovery program are activities related to facility operations and facility closure;

(4) Each of the major program elements was further divided into three subelements; and

(5) The three major subelements of generic activities associated with uranium facility operations are regulatory efforts related to the operation of mills, handling and disposal of waste, and prevention of

groundwater contamination. The three major subelements of generic activities associated with uranium facility closure are regulatory efforts related to decommissioning of facilities and land clean-up, reclamation and closure of tailings impoundments, and groundwater clean-up. Weighted values were assigned to each program element and subelement considering health and safety implications and the associated effort to regulate these activities. The applicability of the generic program in each subelement to each uranium recovery category was qualitatively estimated as either significant, some, minor, or none.

The relative weighted factors per facility type for the various categories of specifically licensed Title II uranium recovery licensees are as follows:

TABLE XI.—WEIGHTED FACTORS FOR URANIUM RECOVERY LICENSES

Facility type	Number of facilities	Category weight	Level of benefit total weight	
			Value	Percent
Class I (conventional mills) .....	1	800	800	20
Class II (solution mining) .....	3	800	2,400	60
11e.(2) disposal .....	0	0	0	0
11e.(2) disposal incidental to existing tailings sites .....	1	800	800	20

Applying these factors to the approximately \$332,000 in budgeted costs to be recovered from Title II

specific licensees results in the following revised annual fees:

TABLE XII.—ANNUAL FEES FOR TITLE II SPECIFIC LICENSES

Facility type	FY 2006 annual fee
Class I (conventional mills) .....	\$66,400
Class II (solution mining) .....	66,400
11e.(2) disposal .....	N/A
11e.(2) disposal incidental to existing tailings sites .....	66,400

Note because there are no longer any 11e.(2) disposal facilities under the NRC's regulatory jurisdiction, the NRC has not allocated any budgeted resources for these facilities, and therefore has not established an annual fee for this fee category. If NRC issues a license for this fee category in the future, then the Commission will establish the appropriate annual fee.

As discussed in section 2. "Eliminating the Existing Fee Payment Exception for Uranium Recovery Licensees," the NRC is proposing that all Title II facilities be subject to the billing provisions of § 171.19(c), which state that annual fees that are less than \$100,000 are billed on the anniversary date of the license.

c. *Operating Power Reactors.* The approximately \$362.7 million in budgeted costs proposed to be recovered through FY 2006 annual fees assessed to the power reactor class was calculated as shown in Table XIII. (FY 2005 values shown for comparison purposes; individual amounts may not sum to totals due to rounding.)

TABLE XIII.—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations operating power reactors fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$440.7	\$513.4
Less estimated part 170 receipts .....	-130.5	-158.2
Net part 171 resources .....	310.2	355.2
Plus allocated transportation .....	+ N/A	+ 1.5
Plus allocated surcharge .....	+ 4.0	+ \$5.7
Billing adjustments (including carryover, any budget rescission) .....	- 2.6	+ 0.2
Total required annual fee recovery .....	311.6	362.7

The budgeted costs to be recovered through annual fees to power reactors, including those for homeland security activities related to power reactors, is divided equally among the 104 power reactors licensed to operate. This results in a FY 2006 annual fee of \$3,487,000 per reactor. Additionally, each power reactor licensed to operate will be assessed the FY 2006 spent fuel storage/reactor decommissioning annual fee of \$168,000. This results in a total FY 2006 annual fee of \$3,655,000 for each power reactor licensed to operate.

The proposed annual fee for power reactors increases due to an increase in budgeted resources for a number of activities, including regulatory infrastructure for new reactor licensing activities, preparations for future combined license applications, homeland security-related mitigating strategies, licensing tasks related to the aging of reactor systems and components, and evaluating and resolving operational issues. As shown previously, the NRC estimates an increase in part 170 collections of approximately 21 percent from

operating power reactors; these collections offset the required annual fee recovery amount by a total of over \$158 million.

d. *Spent Fuel Storage/Reactor Decommissioning.* For FY 2006, budgeted costs of approximately \$20.5 million for spent fuel storage/reactor decommissioning are proposed to be recovered through annual fees assessed to part 50 power reactors, and to part 72 licensees who do not hold a part 50 license. Those reactor licensees that have ceased operations and have no fuel onsite are not subject to these annual



fees. Table XIV below shows the calculation of this annual fee amount. (FY 2005 values shown for comparison

purposes; individual values may not sum to totals due to rounding.)

TABLE XIV.—ANNUAL FEE SUMMARY CALCULATIONS FOR THE SPENT FUEL STORAGE/REACTOR DECOMMISSIONING FEE CLASS

[Dollars in millions]

Summary fee calculations spent fuel storage/reactor decommissioning fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$25.1	\$27.0
Less estimated part 170 receipts .....	-5.7	-7.0
Net part 171 resources .....	19.4	20.0
Plus allocated generic transportation .....	+ N/A	+0.4
Plus allocated surcharge .....	+0.1	+0.2
Billing adjustments (including carryover and budget rescission) .....	-0.1	0.0
Total required annual fee recovery .....	19.4	20.5

The required annual fee recovery amount is divided equally among the 122 licensees, resulting in a proposed FY 2006 annual fee of \$168,000 per licensee. The value of total budgeted resources for this fee class increases due to an increase in contracts allocated for homeland security and licensing/

certification activities, and the allocation of generic transportation resources. An increase of approximately 23 percent in estimated part 170 collections essentially offsets the required annual fee recovery amount for this fee class.

e. *Test and Research Reactors (Nonpower Reactors)*. Approximately

\$305,000 in budgeted costs is proposed to be recovered through annual fees assessed to the test and research reactor class of licenses for FY 2006. Table XV summarizes the annual fee calculation for test and research reactors for FY 2006 (as compared to FY 2005).

TABLE XV.—ANNUAL FEE SUMMARY CALCULATIONS FOR TEST AND RESEARCH REACTORS

[Dollars in millions]

Summary fee calculations/test and research reactors fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$0.52	\$0.88
Less estimated part 170 receipts .....	-0.28	-0.59
Net part 171 resources .....	0.24	-0.29
Plus allocated generic transportation .....	N/A	+0.01
Plus allocated surcharge .....	0.00	+0.01
Billing adjustments (including carryover and budget rescission) .....	0.00	0.00
Total required annual fee recovery .....	0.24	0.31

This required annual fee recovery amount is divided equally among the four test and research reactors subject to annual fees, and results in a proposed FY 2006 annual fee of \$76,300 for each licensee. This increase is due to a relatively large increase in budgeted resources for licensing activities for test and research reactors, which is part of an initiative to reduce a backlog of reactor licensing actions. Although the

NRC estimates that much of this increase will result in an increase in estimated part 170 collections (which is factored into the part 170 estimates above), some of these resources are projected to be associated with non-licensee specific activities, and therefore will need to be recovered under part 171.

f. *Rare Earth Facilities*. The FY 2006 budgeted costs of \$97,900 for rare earth

facilities to be recovered through annual fees would be assessed to the one licensee who has a specific license for receipt and processing of source material, resulting in a FY 2006 annual fee of \$97,900. Table XVI summarizes the annual fee calculation for the rare earth fee class for FY 2006 (as compared to FY 2005). (Individual values may not sum to totals due to rounding.)

TABLE XVI.—ANNUAL FEE SUMMARY CALCULATIONS FOR RARE EARTH FACILITIES

[Dollars in millions]

Summary fee calculations rare earth fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$0.875	\$0.832
Less estimated part 170 receipts .....	-0.800	-0.740
Net part 171 resources .....	0.075	0.092

TABLE XVI.—ANNUAL FEE SUMMARY CALCULATIONS FOR RARE EARTH FACILITIES—Continued  
[Dollars in millions]

Summary fee calculations rare earth fee class	FY 2005 final	FY 2006 proposed
Plus allocated generic transportation .....	+N/A	+N/A
Plus allocated surcharge .....	+0.000	+0.005
Billing adjustments (including carryover and budget rescission) .....	-0.000	+\$0.000
Total required annual fee recovery .....	0.074	0.098

The total allocated resources for this fee class decrease slightly in FY 2006, but the annual fee increases due to lower estimated part 170 collections.

g. *Materials Users.* Table XVII below shows the calculation of the proposed FY 2006 annual fee amount for materials users licensees. (FY 2005

values shown for comparison purposes; individual values may not sum to totals due to rounding.)

TABLE XVII.—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS  
[Dollars in millions]

Summary fee calculations/materials users fee class	FY 2005 final	FY 2006 proposed
Total budgeted resources .....	\$27.5	\$30.5
Less estimated part 170 receipts .....	-1.9	-2.1
Net part 171 resources .....	25.6	28.4
Plus allocated generic transportation .....	+N/A	+1.3
Plus allocated surcharge .....	+0.6	+0.8
Billing adjustments (including carryover and budget rescission) .....	-0.1	+0.0
Total required annual fee recovery .....	26.0	30.5

To equitably and fairly allocate the \$30.5 million in FY 2006 budgeted costs to be recovered in annual fees assessed to the approximately 4,500 diverse materials users and registrants, the NRC has continued to base the annual fees for each fee category within this class on the part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the license, this approach continues to provide a proxy for allocating the generic and other regulatory costs to the diverse categories of licenses based on how much it costs the NRC to regulate each category. The fee calculation also continues to consider the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

The annual fee for these categories of materials users licenses is developed as follows:

Annual fee = Constant × [Application Fee + (Average Inspection Cost divided by Inspection Priority)] + Inspection Multiplier × (Average Inspection Cost divided by Inspection Priority) + Unique Category Costs.

The constant is the multiple necessary to recover approximately \$22.3 million in general costs (including allocated generic transportation costs) and is 1.22 for FY 2006. The inspection multiplier is the multiple necessary to recover approximately \$7.2 million in inspection costs, and is 1.51 for FY 2006. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2006, approximately \$116,000 in budgeted costs for the implementation of revised 10 CFR part 35, Medical Use of Byproduct Material (unique costs), has been allocated to holders of NRC human use licenses.

The annual fee assessed to each licensee also includes a share of the \$158,000 in surcharge costs allocated to the materials user class of licenses and, for certain categories of these licenses, a share of the approximately \$631,000 in LLW surcharge costs allocated to the class. The annual fee for each fee category is shown in § 171.16(d).

The proposed annual fees for materials licensees increase in FY 2006 mainly because of an increase in budgeted resources for activities relating to information technology/tracking systems for these types of licensees (including tracking that relates to homeland security purposes), increases

for inspection activities, and the allocation of generic transportation resources. Increases in annual fees for materials users licensees (other than master materials licenses, for which the annual fee increased 47 percent) range from approximately five percent to approximately 21 percent. These changes reflect the overall increase of over 17 percent in budgeted resources to be recovered through annual fees to this fee class; the actual percentage increase for different fee categories varies mainly because of the difference in how inspection versus other types of resources are distributed to the fee categories. For example, the inspection resources to be recovered through annual fees increased more than non-inspection resources from FY 2005 to FY 2006. Those fee categories that receive a relatively larger share of these inspection budgeted costs (due to their higher average hours per inspection), have proposed annual fees that increase somewhat more than other fee categories, as compared to FY 2005.

h. *Transportation.* Table XVIII shows the calculation of the proposed FY 2006 generic transportation budgeted resources to be recovered through annual fees. (FY 2005 values shown for comparison purposes.)

TABLE XVIII.—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations/transportation fee class	FY 2005 Final	FY 2006 proposed
Total budgeted resources .....	\$5.4	\$6.6
Less estimated part 170 receipts .....	-1.1	-1.3
Net part 171 resources (required annual fee recovery) .....	4.3	5.3

As discussed previously in more detail, the NRC is proposing to recover generic transportation costs unrelated to DOE as part of existing annual fees for license fee classes. Under this approach, the annual fee for fee categories 10.B.1 and 10.B.2 under § 171.16 would be eliminated, but the NRC would continue to assess a separate annual fee under § 171.16, fee category 18.A, for DOE transportation activities.

The total FY 2006 budgeted resources for generic transportation activities, including those to support DOE CoCs, is

\$5.3 million. [Generic transportation resources associated with fee-exempt entities are not included in this total; these costs are included in the appropriate surcharge category (e.g., the surcharge category for nonprofit educational institutions).] These resources are distributed to DOE (to be included in its annual fee under fee category 18.A of § 171.16) and each license fee class based on the CoCs used by DOE and each fee class, as a proxy for the generic resources expended for each fee class. (Note the number of CoCs

used by fee class is adjusted to take into account the percentage of licensees in that fee class subject to annual fees, as explained previously.) As such, the amount of the generic resources allocated is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered. The distribution of these resources to the license fee classes and DOE is as follows (individual values may not sum to total due to rounding):

TABLE XIX.—DISTRIBUTION OF GENERIC TRANSPORTATION RESOURCES, FY 2006

[Dollars in millions]

License fee class/DOE	Number of CoCs bene- fitting fee class (or DOE)	Percentage of total CoCs*	Allocated generic transportation resources
Operating Power Reactors .....	39	29.0	\$1.54
Spent Fuel Storage/Reactor Decommissioning .....	9	6.7	0.36
Test and Research Reactors .....	0.3	0.2	0.01
Fuel Facilities .....	21	15.6	0.83
Materials Users .....	32	23.9	1.27
DOE .....	33	24.6	1.30
Total .....	134	100	5.31

\* Note the percentages presented here are somewhat different than those presented above under Section 2, "Recovering Generic Transportation Costs as Part of Other Existing Annual Fees" because DOE is included in the totals in this Section.

The NRC proposes to continue to assess DOE an annual fee based on the part 71 CoCs it holds. The NRC is not proposing to allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE; hence the current fee recovery methodology for these resources remains efficient and equitable. Note that DOE's annual fee includes a portion of the surcharge, resulting in a total annual fee of \$1,321,000 for FY 2006. This fee increases from last year due to budgeted increases for safeguards and licensing/certification activities.

#### 4. Eliminating the Existing Fee Payment Exception for Uranium Recovery Licensees

Under the payment provisions of § 171.19, the NRC currently bills

licensees' part 171 fees annually if their annual fees are less than \$100,000, and quarterly if their annual fees are \$100,000 or more. However, the NRC bills Class I and Class II uranium recovery licensees quarterly in accordance with § 171.19(b), regardless of the amount of their annual fee. The NRC established this payment exception for Class I and Class II uranium recovery licensees in the FY 2001 final rule (66 FR 32452; June 14, 2001) because the annual fees for these licensees had been fluctuating just above or below \$100,000. Since then, uranium recovery license fees have been well below \$100,000. Because this billing exception is no longer needed and is administratively burdensome to implement with the current fee billing system, the NRC is proposing to eliminate the billing exception for Class

I and Class II uranium recovery licensees. These licensees would become subject to the same payment provisions as all other licensees, as described above.

#### 5. Agreement State Activities

By letter dated July 6, 2004, Governor Tim Pawlenty of Minnesota requested that the NRC enter into an Agreement with the State as authorized by Section 274 of the Atomic Energy Act of 1954, as amended. The NRC staff has evaluated the Minnesota request and application and has proceeded with the processing of the application. The comment period on the draft assessment of the Minnesota proposed program closed on December 9, 2005, and the staff is proceeding through the process with an effective date for the Agreement of March 31, 2006.

The Commission approved this Agreement on January 26, 2006, and is proceeding with the signing process which should be completed in February 2006. Approximately 150 licenses will be transferred by the effective date of March 31, 2006 to the State of Minnesota from the NRC. Note that in accordance with § 171.17(b), materials licenses transferred to a new Agreement State during the fiscal year are considered terminated by the NRC; as such, the annual fees associated with these licenses are adjusted accordingly (i.e., a license will be assessed a 50 percent prorated annual fee if it terminates between October 1 and March 31, and a full annual fee if it terminates between April 1 and September 30). The continuing costs of Agreement State regulatory support and oversight for Minnesota, as for any other Agreement State, will be recovered through the surcharge (as reduced by the ten percent of its budget that the NRC receives in appropriations each year for these types of activities), consistent with existing policy.

The fees in this proposed rule do not reflect the transfer of licenses to the State of Minnesota because the Agreement has not yet been signed (as of the signature date of this rule). The final fee rule will reflect this change which should occur before its publication.

#### 6. Administrative Amendments

The NRC is proposing to clarify the definition of "overhead and general and administrative costs" under § 171.5. This definition provides examples of organizations that are included as "indirect costs." The NRC would like to clarify that certain costs of some of these organizations are not considered to be indirect; therefore, in these instances, these costs are not included in overhead and general and administrative costs. For example, the Atomic Safety and Licensing Board Panel is listed as an indirect office in this definition. There are instances in which this Panel performs direct mission-related work, and the budgeted resources for these activities are considered to be direct in the fee calculations (consistent with the categorization of these resources in the NRC's budget). The NRC believes this clarification will better reflect the most recent data on the types of budgeted resources associated with these offices. Additionally, this definition would be revised to eliminate reference to an organization within the agency that no longer exists.

In summary, the NRC is proposing to—

1. Proceed with the presumption in favor of rebaselining beginning with the FY 2006 fee rule;
2. Recover generic transportation costs as part of other existing annual fees;
3. Revise the annual fees to reflect the FY 2006 budget and other changes;
4. Eliminate the existing fee payment exception for Class I and Class II uranium recovery licensees;
5. Revise the number of NRC licensees if Minnesota becomes an Agreement State before the publication of the FY 2006 final fee rule; and
6. Make an administrative change to clarify the definition of "overhead and general and administrative costs."

#### III. Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, "Plain Language in Government Writing" directed that the Government's writing be in plain language. This memorandum was published on June 10, 1998 (63 FR 31883). The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading ADDRESSES above.

#### IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104-113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using these standards is inconsistent with applicable law or is otherwise impractical. In this proposed rule, the NRC would amend the licensing, inspection, and annual fees charged to its licensees and applicants as necessary to recover approximately 90 percent of its budget authority in FY 2006 as required by the Omnibus Budget Reconciliation Act of 1990, as amended. This action does not constitute the establishment of a standard that contains generally applicable requirements.

#### V. Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental assessment nor an environmental impact statement has been prepared for the proposed regulation. By its very nature, this regulatory action does not affect the environment and, therefore, no environmental justice issues are raised.

#### VI. Paperwork Reduction Act Statement

This proposed rule does not contain information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### VII. Regulatory Analysis

With respect to 10 CFR part 170, this proposed rule was developed under Title V of the Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 9701) and the Commission's fee guidelines. When developing these guidelines the Commission took into account guidance provided by the U.S. Supreme Court on March 4, 1974, in *National Cable Television Association, Inc. v. United States*, 415 U.S. 36 (1974) and *Federal Power Commission v. New England Power Company*, 415 U.S. 345 (1974). In these decisions, the Court held that the IOAA authorizes an agency to charge fees for special benefits rendered to identifiable persons measured by the "value to the recipient" of the agency service. The meaning of the IOAA was further clarified on December 16, 1976, by four decisions of the U.S. Court of Appeals for the District of Columbia: *National Cable Television Association v. Federal Communications Commission*, 554 F.2d 1094 (D.C. Cir. 1976); *National Association of Broadcasters v. Federal Communications Commission*, 554 F.2d 1118 (D.C. Cir. 1976); *Electronic Industries Association v. Federal Communications Commission*, 554 F.2d 1109 (D.C. Cir. 1976); and *Capital Cities Communication, Inc. v. Federal Communications Commission*, 554 F.2d 1135 (D.C. Cir. 1976). The Commission's fee guidelines were developed based on these legal decisions.

The Commission's fee guidelines were upheld on August 24, 1979, by the U.S. Court of Appeals for the Fifth Circuit in *Mississippi Power and Light Co. v. U.S. Nuclear Regulatory Commission*, 601 F.2d 223 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980). This court held that—

- (1) The NRC had the authority to recover the full cost of providing services to identifiable beneficiaries;
- (2) The NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure a licensee's compliance with the Atomic Energy Act and with applicable regulations;
- (3) The NRC could charge for costs incurred in conducting environmental reviews required by NEPA;
- (4) The NRC properly included the costs of uncontested hearings and of

administrative and technical support services in the fee schedule;

(5) The NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and

(6) The NRC's fees were not arbitrary or capricious.

With respect to 10 CFR part 171, on November 5, 1990, the Congress passed OBRA-90, which required that, for FYs 1991 through 1995, approximately 100 percent of the NRC budget authority be recovered through the assessment of fees. OBRA-90 was subsequently amended to extend the 100 percent fee recovery requirement through FY 2000. As mentioned previously, the FY 2001 EWDA amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent in FY 2005. The FY 2006 EWDA extended this 90 percent fee recovery requirement through FY 2006. As a result, the NRC is required to recover approximately 90 percent of its FY 2006 budget authority, less the amounts appropriated from the NWF and for WIR activities, through fees. To comply with this statutory requirement and in accordance with § 171.13, the NRC is publishing the amount of the FY 2006 annual fees for reactor licensees, fuel cycle licensees, materials licensees, and holders of Certificates of Compliance, registrations of sealed source and devices, and Government agencies. OBRA-90, consistent with the accompanying Conference Committee Report, and the amendments to OBRA-90, provides that—

(1) The annual fees be based on approximately 90 percent of the Commission's FY 2006 budget of \$741.5 million less the funds directly appropriated from the NWF to cover the NRC's high-level waste program and for WIR activities, and less the amount of funds collected from part 170 fees;

(2) The annual fees shall, to the maximum extent practicable, have a reasonable relationship to the cost of regulatory services provided by the Commission; and

(3) The annual fees be assessed to those licensees the Commission, in its discretion, determines can fairly, equitably, and practicably contribute to their payment.

10 CFR part 171, which established annual fees for operating power reactors effective October 20, 1986 (51 FR 33224; September 18, 1986), was challenged and upheld in its entirety in *Florida Power and Light Company v. United States*, 846 F.2d 765 (D.C. Cir. 1988), cert. denied, 490 U.S. 1045 (1989). Further, the NRC's FY 1991 annual fee rule methodology was upheld by the

D.C. Circuit Court of Appeals in *Allied Signal v. NRC*, 988 F.2d 146 (D.C. Cir. 1993).

#### VIII. Regulatory Flexibility Analysis

The NRC is required by the Omnibus Budget Reconciliation Act of 1990, as amended, to recover approximately 90 percent of its FY 2006 budget authority through the assessment of user fees. This Act further requires that the NRC establish a schedule of charges that fairly and equitably allocates the aggregate amount of these charges among licensees.

This proposed rule would establish the schedules of fees that are necessary to implement the Congressional mandate for FY 2006. The proposed rule would result in increases in the annual fees charged to certain licensees and holders of certificates, registrations, and approvals, and decreases in annual fees for others. Licensees affected by the annual fee increases and decreases include those that qualify as a small entity under NRC's size standards in 10 CFR 2.810. The Regulatory Flexibility Analysis, prepared in accordance with 5 U.S.C. 604, is included as Appendix A to this proposed rule.

The Congressional Review Act of 1996 requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. Therefore, in compliance with the law, Attachment 1 to the Regulatory Flexibility Analysis is the small entity compliance guide for FY 2006.

#### IX. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required for this proposed rule. The backfit analysis is not required because these amendments do not require the modification of, or additions to systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

#### List of Subjects

##### 10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

##### 10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations,

approvals, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 170 and 171.

#### PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for part 170 continues to read as follows:

**Authority:** Sec. 9701, Pub. L. 97-258, 96 Stat. 1051 (31 U.S.C. 9701); sec. 301, Pub. L. 92-314, 86 Stat. 227 (42 U.S.C. 2201w); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 205a, Pub. L. 101-576, 104 Stat. 2842, as amended (31 U.S.C. 901, 902); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note), sec. 623, Pub. L. 109-58, 119 Stat. 783, (42 U.S.C. 2201(w)).

2. In § 170.3, the definition of special projects is revised to read as follows:

#### § 170.3 Definitions.

\* \* \* \* \*

*Special projects* means those requests submitted to the Commission for review for which fees are not otherwise specified in this chapter and contested hearings on licensing actions directly related to U.S. Government national security initiatives, as determined by the NRC. Examples of special projects include, but are not limited to, contested hearings on licensing actions directly related to Presidentially directed national security programs, topical report reviews, early site reviews, waste solidification facilities, activities related to the tracking and monitoring of shipment of classified matter, services provided to certify licensee, vendor, or other private industry personnel as instructors for part 55 reactor operators, reviews of financial assurance submittals that do not require a license amendment, reviews of responses to Confirmatory Action Letters, reviews of uranium recovery licensees' land-use survey reports, and reviews of 10 CFR 50.71 final safety analysis reports. Special projects does not include those contested hearings for which a fee exemption is granted in § 170.11(a)(2).

including those related to individual plant security modifications.

\* \* \* \* \*

3. In § 170.11, paragraph (a)(5) is removed and reserved, and paragraphs (a)(4)(iii), (a)(9) introductory text, (i), and (ii) are revised as follows:

**§ 170.11 Exemptions.**

(a) \* \* \*

(4) \* \* \*

(iii) Distribution of byproduct material, source material, or special nuclear material or products containing byproduct material, source material or special nuclear material; or

\* \* \* \* \*

(9) Federally-owned and State-owned research reactors used primarily for educational training and academic research purposes. For purposes of this

exemption, the term research reactor means a nuclear reactor that—

(i) Is licensed by the Nuclear Regulatory Commission under section 104c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134 (c)) at a thermal power level of 10 megawatts or less; and

(ii) If so licensed at a thermal power level of more than 1 megawatt, does not contain—

\* \* \* \* \*

4. Section 170.20 is revised to read as follows:

**§ 170.20 Average cost per professional staff-hour.**

Fees for permits, licenses, amendments, renewals, special projects, part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be

calculated using the following applicable professional staff-hour rates:

(a) Reactor Program (§ 170.21 Activities, excluding reactor decommissioning and import/export licensing activities): \$217 per hour

(b) Nuclear Materials and Nuclear Waste Program (§ 170.31 Activities, as well as the reactor decommissioning and import/export licensing activities covered under § 170.21): \$215 per hour

5. In § 170.21, Category K and footnotes 1 and 4 in the table are revised to read as follows:

**§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses.**

\* \* \* \* \*

**SCHEDULE OF FACILITY FEES**

[See footnotes at end of table]

Facility categories and type of fees	Fees <sup>1 2</sup>
<b>K. Import and export licenses:</b>	
Licenses for the import and export only of production and utilization facilities or the export only of components for production and utilization facilities issued under 10 CFR Part 110:	
1. Application for import or export of production and utilization facilities <sup>4</sup> (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	\$14,000
Application—new license, or amendment .....	
2. Application for export of reactor and other components requiring Executive Branch review only, for example, those actions under 10 CFR 110.41(a)(1)–(8).	8,200
Application—new license, or amendment .....	
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	2,600
Application—new license, or amendment .....	
4. Application for export of facility components and equipment (examples provided in 10 CFR part 110, Appendix A, Items (5) through (9)) not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	1,700
Application—new license, or amendment .....	
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	320
Minor amendment .....	

<sup>1</sup> Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., 10 CFR 50.12, 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. Fees for licenses in this schedule that are initially issued for less than full power are based on review through the issuance of a full power license (generally full power is considered 100 percent of the facility's full rated power). Thus, if a licensee received a low power license or a temporary license for less than full power and subsequently receives full power authority (by way of license amendment or otherwise), the total costs for the license will be determined through that period when authority is granted for full power operation. If a situation arises in which the Commission determines that full operating power for a particular facility should be less than 100 percent of full rated power, the total costs for the license will be at that determined lower operating power level and not at the 100 percent capacity.

<sup>2</sup> Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect at the time the service was provided. For those applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by § 170.20, as appropriate, except for topical reports whose costs exceed \$50,000. Costs which exceed \$50,000 for any topical report, amendment, revision or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in § 170.20.

<sup>4</sup> Imports only of major components for end-use at NRC-licensed reactors are now authorized under NRC general import license.

6. Section 170.31 is revised to read as follows:

**§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.**

Applicants for materials licenses, import and export licenses, and other regulatory services, and holders of

materials licenses or import and export licenses shall pay fees for the following categories of services. For those fee categories identified to be subject to full cost fees, full cost fees will be assessed for all licensing and inspection activities, unless otherwise indicated.

**SCHEDULE OF MATERIALS FEES**

[See footnotes at end of table]

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
1. Special nuclear material:	
A.(1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities:	
(a) Strategic Special Nuclear Material (High Enriched Uranium) .....	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel .....	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities:	
(a) Facilities with limited operations .....	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities .....	Full Cost.
(c) Hot cell facilities .....	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI).	
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers: <sup>4</sup>	
Application .....	\$990.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1A: <sup>4</sup>	
Application .....	\$2,000.
E. Licenses or certificates for construction and operation of a uranium enrichment facility .....	Full Cost.
2. Source material:	
A.(1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride .....	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode:	
(a) Class I facilities <sup>4</sup> .....	Full Cost.
(b) Class II facilities <sup>4</sup> .....	Full Cost.
(c) Other facilities <sup>4</sup> .....	Full Cost.
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2A(2) or Category 2A(4).	
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2A(2).	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding:	
Application .....	\$240.
C. All other source material licenses:	
Application .....	\$8,400.
3. Byproduct material:	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application .....	\$10,100.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application .....	\$3,800.
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). These licenses are covered by fee Category 3D.	
Application .....	\$5,200.
D. Licenses and approvals issued under §§ 32.72 and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§ 32.72 and/or 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4).	
Application .....	\$3,700.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):	
Application .....	\$2,500.

## SCHEDULE OF MATERIALS FEES—Continued

. [See footnotes at end of table]

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application .....	\$5,000.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes. Application .....	\$12,000.
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter: Application .....	\$14,600.
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter: Application .....	\$8,700.
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter: Application .....	\$1,500.
K. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter: Application .....	\$880.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution: Application .....	\$8,400.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution: Application .....	\$3,400.
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration, and/or leak testing services are subject to the fees specified in fee Category 3P; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C: Application .....	\$3,800.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations: Application .....	\$3,500.
P. All other specific byproduct material licenses, except those in Categories 4A through 9D: Application .....	\$1,200.
Q. Registration of a device(s) generally licensed under part 31 of this chapter: Registration .....	\$730.
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material: Application .....	\$2,600.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material: Application .....	\$3,900.
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies: Application .....	\$1,400.
B. Licenses for possession and use of byproduct material for field flooding tracer studies: Licensing .....	Full Cost.
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material: Application .....	\$17,100.
7. Medical licenses:	



## SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices: Application .....	\$9,400.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices: Application .....	\$6,700.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices: Application .....	\$2,300.
8. Civil defense: A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities: Application .....	\$490.
9. Device, product, or sealed source safety evaluation: A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution: Application—each device .....	\$21,000.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices: Application—each device .....	\$21,000.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution: Application—each source .....	\$2,400.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel: Application—each source .....	\$820.
10. Transportation of radioactive material: A. Evaluation of casks, packages, and shipping containers: 1. Spent Fuel, High-Level Waste, and plutonium air packages .....	Full Cost.
2. Other Casks .....	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter. 1. Users and Fabricators Application .....	\$5,600.
Inspections .....	Full Cost.
2. Users Application .....	\$5,600.
Inspections .....	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities .....	Full Cost.
12. Special projects: Including approvals, preapplication/licensing activities, and inspections .....	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance .....	Full Cost.
B. Inspections related to storage of spent fuel under §72.210 of this chapter .....	Full Cost.
14. A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter. ....	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, regardless of whether or not the sites have been previously licensed. Part 170 fees for these activities will not be charged until July 25, 2006. ....	Full Cost.
15. Import and Export licenses: Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A through 15.E). A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b). Application—new license, or amendment .....	\$14,000.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities, Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc. Application—new license, or amendment .....	\$8,200.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances. Application—new license, or amendment .....	\$2,600.

## SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees <sup>1</sup>	Fee <sup>2,3</sup>
D. Application for export or import of nuclear material, including radioactive waste, not requiring Commission or Executive Branch review, or obtaining foreign government assurances. This category includes applications for export or import of radioactive waste where the NRC has previously authorized the export or import of the same form of waste to or from the same or similar parties located in the same country, requiring only confirmation from the receiving facility and licensing authorities that the shipments may proceed according to previously agreed understandings and procedures. Application—new license, or amendment .....	\$1,700.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities. Minor amendment .....	\$320.
Licenses issued under Part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in Appendix P to Part 110 (fee categories 15.F through 15.R). <sup>5</sup>	
<i>Category 1 Exports</i>	
F. Application for export of Category 1 materials involving an exceptional circumstances review under 10 CFR 110.42(e)(4). Application—new license, or amendment .....	\$14,000.
G. Application for export of Category 1 materials requiring Executive Branch review, Commission review, and government to government consent. Application—new license, or amendment .....	\$8,200.
H. Application for export of Category 1 materials requiring Commission review and government to government consent. Application—new license, or amendment .....	\$5,200.
I. Application for export of Category 1 material requiring government to government consent. Application—new license, or amendment .....	\$4,300.
<i>Category 2 Exports</i>	
J. Application for export of Category 2 materials involving an exceptional circumstances review under 10 CFR 110.42(e)(4)). Application—new license, or amendment .....	\$14,000.
K. Applications for export of Category 2 materials requiring Executive Branch review and Commission review. Application—new license, or amendment .....	\$8,200.
L. Application for the export of Category 2 materials. Application—new license, or amendment .....	\$3,900.
<i>Category 1 Imports</i>	
M. Application for the import of Category 1 material requiring Commission review. Application—new license, or amendment .....	\$4,100.
N. Application for the import of Category 1 material. Application—new license, or amendment .....	\$3,400.
<i>Category 2 Imports</i>	
O. Application for the import of Category 2 material. Application—new license, or amendment .....	\$3,000.
<i>Category 1 Imports with Agent and Multiple Licensees</i>	
P. Application for the import of Category 1 material with agent and multiple licensees requiring Commission review. Application—new license, or amendment .....	\$4,700.
Q. Application for the import of Category 1 material with agent and multiple licensees. Application—new license, or amendment .....	\$3,900.
<i>Minor Amendments (Category 1 and 2 Export and Imports)</i>	
R. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities. Minor amendment .....	\$ 320.
16. Reciprocity: Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20. Application .....	\$1,900.
17. Master materials licenses of broad scope issued to Government agencies .....	\$17,800.
18. Department of Energy	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages) .....	Full Cost.
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities .....	Full Cost.

<sup>1</sup> *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession only licenses; issuance of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee Category 1C only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses and for renewals and amendments to existing licenses, for pre-application consultations and for reviews of other documents submitted to NRC for review, and for project manager time for fee categories subject to full cost fees (fee Categories 1A, 1B, 1E, 2A, 4A, 5B, 10A, 11, 12, 13A, and 14) are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to a license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and non-routine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

<sup>2</sup>Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in Categories 9A through 9D.

<sup>3</sup>Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect at the time the service is provided, and the appropriate contractual support services expended. For applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by § 170.20, as appropriate, except for topical reports whose costs exceed \$50,000. Costs which exceed \$50,000 for each topical report, amendment, revision, or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in § 170.20.

<sup>4</sup>Licensees paying fees under Categories 1A, 1B, and 1E are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except for an application that deals only with the sealed sources authorized by the license.

<sup>5</sup>For a combined import and export license application for material listed in Appendix P to part 110, only the higher of the two applicable fee amounts must be paid.

**PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC**

7. The authority citation for part 171 continues to read as follows:

**Authority:** Sec. 7601, Pub. L. 99-272, 100 Stat. 146, as amended by sec. 5601, Pub. L. 100-203, 101 Stat. 1330, as amended by sec. 3201, Pub. L. 101-239, 103 Stat. 2132, as amended by sec. 6101, Pub. L. 101-508, 104 Stat. 1388, as amended by sec. 2903a, Pub. L. 102-486, 106 Stat. 3125 (42 U.S.C. 2213, 2214), and as amended by Title IV, Pub. L. 109-108, 119 Stat. 2283 (42 U.S.C. 2214); sec. 201, Pub. L. 92-314, 86 Stat. 227 (42 U.S.C. 2201w); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

8. In § 171.5, the definition of Overhead and general and administrative costs is revised to read as follows:

**§ 171.5 Definitions.**

\* \* \* \* \*  
*Overhead and general and administrative costs means:*

(1) The Government benefits for each employee such as leave and holidays, retirement and disability benefits, health and life insurance costs, and social security costs;

(2) Travel costs;

(3) Direct overhead, e.g., supervision and support staff that directly support the NRC safety mission areas (administrative support costs, e.g., rental of space, equipment, telecommunications and supplies); and

(4) Indirect costs that would include, but not be limited to, NRC central policy direction, legal and executive management services for the Commission and special and independent reviews, investigations, and enforcement and appraisal of NRC programs and operations. Some of the organizations included, in whole or in part, are the Commissioners, Secretary, Executive Director for Operations, General Counsel, Government and Public Affairs (except for international safety and safeguards programs), Inspector General, Investigations, Enforcement, Small and Disadvantaged Business Utilization and Civil Rights, the Technical Training Center, Advisory Committees on Nuclear Waste and Reactor Safeguards, and the Atomic Safety and Licensing Board Panel. The Commission views these budgeted costs as support for all its regulatory services provided to applicants, licensees, and certificate holders, and these costs must be recovered under Pub. L. 101-508.

\* \* \* \* \*

9. In § 171.15 paragraphs (b), (c), (d), and (e) are revised to read as follows:

**§ 171.15 Annual fees: Reactor licenses and independent spent fuel storage licenses.**

\* \* \* \* \*

(b)(1) The FY 2005 annual fee for each operating power reactor which must be collected by September 30, 2005, is \$3,655,000.

(2) The FY 2006 annual fee is comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (surcharges). The activities comprising the FY 2006 spent storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2006 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 2006 base annual fee for operating power reactors are as follows:

(i) Power reactor safety and safeguards regulation except licensing and inspection activities recovered under part 170 of this chapter and generic reactor decommissioning activities.

(ii) Research activities directly related to the regulation of power reactors, except those activities specifically related to reactor decommissioning.

(iii) Generic activities required largely for NRC to regulate power reactors (e.g., updating part 50 of this chapter, or operating the Incident Response Center). The base annual fee for operating power reactors does not include generic activities specifically related to reactor decommissioning.

(c)(1) The FY 2006 annual fee for each power reactor holding a part 50 license that is in a decommissioning or

possession only status and has spent fuel onsite and each independent spent fuel storage part 72 licensee who does not hold a part 50 license is \$168,000.

(2) The FY 2006 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section), and an additional charge (surcharge). The activities comprising the FY 2006 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 2006 spent fuel storage/reactor decommissioning rebaselined annual fee are:

- (i) Generic and other research activities directly related to reactor decommissioning and spent fuel storage; and
- (ii) Other safety, environmental, and safeguards activities related to reactor decommissioning and spent fuel storage, except costs for licensing and inspection activities that are recovered under part 170 of this chapter.

(d)(1) The activities comprising the FY 2006 surcharge are as follows:

- (i) Low-level waste disposal generic activities;
- (ii) Activities not attributable to an existing NRC licensee or class of licenses (e.g., international cooperative safety program and international safeguards activities, support for the Agreement State program, decommissioning activities for

unlicensed sites, and activities for unregistered general licensees); and

(iii) Activities not currently subject to 10 CFR part 170 licensing and inspection fees based on existing law or Commission policy (e.g., reviews and inspections conducted of nonprofit educational institutions, licensing actions for Federal agencies, and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*).

(2) The total FY 2006 surcharge allocated to the operating power reactor class of licenses is \$5.7 million, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2006 operating power reactor surcharge to be assessed to each operating power reactor is approximately \$55,000. This amount is calculated by dividing the total operating power reactor surcharge (\$5.7 million) by the number of operating power reactors (104).

(3) The FY 2006 surcharge allocated to the spent fuel storage/reactor decommissioning class of licenses is \$166,000. The FY 2006 spent fuel storage/reactor decommissioning surcharge to be assessed to each operating power reactor, each power reactor in decommissioning or possession only status that has spent fuel onsite, and to each independent spent fuel storage part 72 licensee who

does not hold a part 50 license is approximately \$1,400. This amount is calculated by dividing the total surcharge costs allocated to this class by the total number of power reactor licenses, except those that permanently ceased operations and have no fuel onsite, and part 72 licensees who do not hold a part 50 license.

(e) The FY 2006 annual fees for licensees authorized to operate a test and research (non-power) reactor licensed under part 50 of this chapter, unless the reactor is exempted from fees under § 171.11(a), are as follows:

Research reactor .....	\$76,300.
Test reactor .....	\$76,300.

10. In § 171.16, paragraph (d) is revised to read as follows:

**§ 171.16 Annual fees: materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.**

\* \* \* \* \*

(d) The FY 2006 annual fees are comprised of a base annual fee and an additional charge (surcharge). The activities comprising the FY 2006 surcharge are shown for convenience in paragraph (e) of this section. The FY 2006 annual fees for materials licensees and holders of certificates, registrations or approvals subject to fees under this section are shown in the following table:

**SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC**

[See footnotes at end of table]

Category of materials licenses	Annual fees <sup>1 2 3</sup>
1. Special nuclear material:	
A. (1) Licenses for possession and use of U-235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) .....	\$5,579,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel .....	1,643,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations .....	623,000
(b) Gas centrifuge enrichment demonstration facilities .....	1,019,000
(c) Hot cell facilities .....	453,000
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) .....	<sup>11</sup> N/A
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers .....	2,400
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1.A.(2) .....	6,800
E. Licenses or certificates for the operation of a uranium enrichment facility .....	3,115,000
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride ....	1,076,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Class I facilities <sup>4</sup> .....	66,400
(b) Class II facilities <sup>4</sup> .....	66,400
(c) Other facilities <sup>4</sup> .....	97,900

## SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees <sup>1 2 3</sup>
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2A(2) or Category 2A(4) .....	<sup>5</sup> N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2A(2) .....	66,400
B. Licenses that authorize only the possession, use and/or installation of source material for shielding .....	880
C. All other source material licenses .....	14,800
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution .....	28,800
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution .....	9,300
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). These licenses are covered by fee under Category 3D .....	11,700
D. Licenses and approvals issued under §§ 32.72 and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§ 32.72 and 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license .....	6,800
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units) .....	4,800
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes .....	8,600
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes .....	31,000
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter .....	19,400
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter .....	11,800
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter .....	3,200
K. Licenses issued under Subpart B of part 31 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter .....	1,900
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution .....	16,400
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution .....	6,900
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4A, 4B, and 4C .....	7,300
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license .....	15,300
P. All other specific byproduct material licenses, except those in Categories 4A through 9D .....	2,900
Q. Registration of devices generally licensed under part 31 of this chapter .....	<sup>13</sup> N/A
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material .....	<sup>5</sup> N/A
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material .....	12,700

## SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees <sup>1,2,3</sup>
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material .....	9,600
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies .....	4,700
B. Licenses for possession and use of byproduct material for field flooding tracer studies .....	<sup>5</sup> N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material .....	27,500
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license .....	15,100
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license <sup>9</sup> .....	32,600
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license <sup>9</sup> .....	6,000
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities .....	1,900
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution .....	25,900
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices .....	25,900
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution .....	3,000
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel .....	1,000
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers:	
1. Spent Fuel, High-Level Waste, and plutonium air packages .....	<sup>6</sup> N/A
2. Other Casks .....	<sup>6</sup> N/A
B. Quality assurance program approvals issued under part 71 of this chapter:	
1. Users and Fabricators .....	<sup>6</sup> N/A
2. Users .....	<sup>6</sup> N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices) .....	<sup>6</sup> N/A
11. Standardized spent fuel facilities .....	<sup>6</sup> N/A
12. Special Projects .....	<sup>6</sup> N/A
13. A. Spent fuel storage cask Certificate of Compliance .....	<sup>6</sup> N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210 .....	<sup>12</sup> N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter .....	<sup>7</sup> N/A
B. Site-specific decommissioning activities associated with unlicensed sites, regardless of whether or not the sites have been previously licensed .....	<sup>7</sup> N/A
15. Import and Export licenses .....	<sup>8</sup> N/A
16. Reciprocity .....	<sup>8</sup> N/A
17. Master materials licenses of broad scope issued to Government agencies .....	370,000
18. Department of Energy:	
A. Certificates of Compliance .....	<sup>10</sup> 1,321,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities .....	736,000

<sup>1</sup> Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current fiscal year. However, the annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1, 2006, and permanently ceased licensed activities entirely by September 30, 2006. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession only license during the fiscal year and for new licenses issued during the fiscal year will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license. Licensees paying annual fees under Category 1A(1) are not subject to the annual fees for Categories 1C and 1D for sealed sources authorized in the license.

<sup>2</sup> Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

<sup>3</sup> Each fiscal year, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

<sup>4</sup> A Class I license includes mill licenses issued for the extraction of uranium from uranium ore. A Class II license includes solution mining licenses (in-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses. An "other" license includes licenses for extraction of metals, heavy metals, and rare earths.

<sup>5</sup> There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

<sup>6</sup> Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

<sup>7</sup> Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensing to operate.

<sup>8</sup> No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

<sup>9</sup> Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Categories 7B or 7C.

<sup>10</sup> This includes Certificates of Compliance issued to DOE that are not under the Nuclear Waste Fund.

<sup>11</sup> See § 171.15(c).

<sup>12</sup> See § 171.15(c).

<sup>13</sup> No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

\* \* \* \* \*

11. In § 171.19 paragraphs (b) and (d) are revised to read as follows:

**§ 171.19 Payment.**

\* \* \* \* \*

(b) Annual fees in the amount of \$100,000 or more and described in the **Federal Register** document issued under § 171.13, must be paid in quarterly installments of 25 percent as billed by the NRC. The quarters begin on October 1, January 1, April 1, and July 1 of each fiscal year. The NRC will adjust the fourth quarterly invoice to recover the full amount of the revised annual fee. If the amounts collected in the first three quarters exceed the amount of the revised annual fee, the overpayment will be refunded. Licensees whose annual fee for the previous fiscal year was less than \$100,000 (billed on the anniversary date of the license), and whose revised annual fee for the current fiscal year is \$100,000 or greater (subject to quarterly billing), will be issued a bill upon publication of the final rule for the full amount of the revised annual fee for the current fiscal year, less any payments received for the current fiscal year based on the anniversary date billing process.

(d) Annual fees of less than \$100,000 must be paid as billed by the NRC. Materials license annual fees that are less than \$100,000 are billed on the anniversary date of the license. The materials licensees that are billed on the anniversary date of the license are those covered by fee categories 1C, 1D, 2A(2) Other Facilities, 2A(3), 2A(4), 2B, 2C, 3A through 3P, and 4B through 9D.

\* \* \* \* \*

Dated at Rockville, Maryland, this 31st day of January, 2006.

For the Nuclear Regulatory Commission.

**Jesse L. Funches,**  
Chief Financial Officer.

**Note:** This Appendix will not appear in the Code of Federal Regulations.

**Appendix A to This Proposed Rule—  
Regulatory Flexibility Analysis for the  
Amendments to 10 CFR Part 170  
(License Fees) and 10 CFR Part 171  
(Annual Fees)**

**I. Background**

The Regulatory Flexibility Act (RFA), as amended (5 U.S.C. 601 *et seq.*), requires that agencies consider the impact of their rulemakings on small entities and, consistent with applicable statutes, consider alternatives to minimize these impacts on the businesses, organizations, and government jurisdictions to which they apply.

The NRC has established standards for determining which NRC licensees qualify as small entities (10 CFR 2.810). These size standards were established based on the Small Business Administration's most common receipts-based size standards and include a size standard for business concerns that are manufacturing entities. The NRC uses the size standards to reduce the impact of annual fees on small entities by establishing a licensee's eligibility to qualify for a maximum small entity fee. The small entity fee categories in § 171.16(c) of this proposed rule are based on the NRC's size standards.

From FY 1991 through FY 2000, the Omnibus Budget Reconciliation Act (OBRA-90) (Pub. L. 101-508), as amended, required that the NRC recover approximately 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, by assessing license and annual fees. The FY 2001 Energy and Water Development Appropriations Act (Pub. L. 106-377) amended OBRA-90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent in FY 2005. The FY 2006 Energy and Water Development Appropriations Act (Pub. L. 109-103) extended this 90 percent fee recovery requirement through FY 2006. As a result,

the NRC is required to recover approximately 90 percent of its FY 2006 budget authority, less the amounts appropriated from the Nuclear Waste Fund (NWF) and for Waste incidental to Reprocessing (WIR) activities, through fees. The total amount NRC is required to recover in fees for FY 2006 is approximately \$624.0 million.

OBRA-90 requires that the schedule of charges established by rulemaking should fairly and equitably allocate the total amount to be recovered from the NRC's licensees and be assessed under the principle that licensees who require the greatest expenditure of agency resources pay the greatest annual charges. Since FY 1991, the NRC has complied with OBRA-90 by issuing a final rule that amends its fee regulations. These final rules have established the methodology used by NRC in identifying and determining the fees to be assessed and collected in any given fiscal year.

The Commission is proposing to rebaseline its part 171 annual fees in FY 2006. Rebaselining fees would result in increased annual fees for all licensees, with the exception of certain fuel facilities.

The Congressional Review Act of 1996 is intended to reduce regulatory burdens imposed by Federal agencies on small businesses, nonprofit organizations, and governmental jurisdictions. This Act also provides Congress with the opportunity to review agency rules before they go into effect. Under this legislation, the NRC annual fee rule is considered a "major" rule and must be reviewed by Congress and the Comptroller General before the rule becomes effective. The Congressional Review Act also requires that an agency prepare a guide to assist small entities in complying with each rule for which a final RFA is prepared. This RFA and the small entity compliance guide (Attachment 1) have been prepared for the FY 2006 fee rule as required by law.

**II. Impact on Small Entities**

The fee rule results in substantial fees being charged to those individuals, organizations, and companies that are licensed by the NRC, including those licensed under the NRC materials program. The comments received on previous proposed fee rules and the small entity certifications received in response to

previous final fee rules indicate that NRC licensees qualifying as small entities under the NRC's size standards are primarily materials licensees. Therefore, this analysis will focus on the economic impact of the annual fees on materials licensees. In FY 2005, about 26 percent of these licensees (approximately 1,200 licensees) requested small entity certification.

The commenters on previous fee rulemakings consistently indicated that the following results would occur if the proposed annual fees were not modified:

1. Large firms would gain an unfair competitive advantage over small entities. Commenters noted that small and very small companies ("Mom and Pop" operations) would find it more difficult to absorb the annual fee than a large corporation or a high-volume type of operation. In competitive markets, such as soil testing, annual fees would put small licensees at an extreme competitive disadvantage with their much larger competitors because the proposed fees would be the same for a two-person licensee as for a large firm with thousands of employees.

2. Some firms would be forced to cancel their licenses. A licensee with receipts of less than \$500,000 per year stated that the proposed rule would, in effect, force it to relinquish its soil density gauge and license, thereby reducing its ability to do its work effectively. Other licensees, especially well-loggers, noted that the increased fees would force small businesses to get rid of the materials license altogether. Commenters stated that the proposed rule would result in about 10 percent of the well-logging licensees terminating their licenses immediately and approximately 25 percent terminating their licenses before the next annual assessment.

3. Some companies would go out of business.

4. Some companies would have budget problems. Many medical licensees noted that, along with reduced reimbursements, the proposed increase of the existing fees and the introduction of additional fees would significantly affect their budgets. Others noted that, in view of the cuts by Medicare and other third party carriers, the fees would produce a hardship and some facilities would experience a great deal of difficulty in meeting this additional burden.

Over 3,000 license, approval, and registration terminations have been requested since the NRC first established annual fees for materials licenses. Although some of these terminations were requested because the license was no longer needed or licenses or registrations could be combined, indications are that other termination requests were due to the economic impact of the fees.

To alleviate the significant impact of the annual fees on a substantial number of small entities, the NRC considered the following alternatives in accordance with the RFA in developing each of its fee rules since FY 1991.

1. Base fees on some measure of the amount of radioactivity possessed by the licensee (e.g., number of sources).

2. Base fees on the frequency of use of the licensed radioactive material (e.g., volume of patients).

3. Base fees on the NRC size standards for small entities.

The NRC has reexamined its previous evaluations of these alternatives and continues to believe that establishment of a maximum fee for small entities is the most appropriate and effective option for reducing the impact of its fees on small entities.

### III. Maximum Fee

The RFA and its implementing guidance do not provide specific guidelines on what constitutes a significant economic impact on a small entity; therefore, the NRC has no benchmark to assist it in determining the amount or the percent of gross receipts that should be charged to a small entity. In developing the maximum small entity annual fee in FY 1991, the NRC examined its 10 CFR part 170 licensing and inspection fees and Agreement State fees for those fee categories which were expected to have a substantial number of small entities. Six Agreement States (Washington, Texas, Illinois, Nebraska, New York, and Utah), were used as benchmarks in the establishment of the maximum small entity annual fee in FY 1991. Because small entities in those Agreement States were paying the fees, the NRC concluded that these fees did not have a significant impact on a substantial number of small entities. Therefore, those fees were considered a useful benchmark in establishing the NRC maximum small entity annual fee.

The NRC maximum small entity fee was established as an annual fee only. In addition to the annual fee, NRC small entity licensees were required to pay amendment, renewal and inspection fees. In setting the small entity annual fee, NRC ensured that the total amount small entities paid annually would not exceed the maximum paid in the six benchmark Agreement States.

Of the six benchmark states, the maximum Agreement State fee of \$3,800 in Washington was used as the ceiling for the total fees. Thus the NRC's small entity fee was developed to ensure that the total fees paid by NRC small entities would not exceed \$3,800. Given the NRC's FY 1991 fee structure for inspections, amendments, and renewals, a small entity annual fee established at \$1,800 allowed the total fee (small entity annual fee plus yearly average for inspections, amendments and renewal fees) for all categories to fall under the \$3,800 ceiling.

In FY 1992, the NRC introduced a second, lower tier to the small entity fee in response to concerns that the \$1,800 fee, when added to the license and inspection fees, still imposed a significant impact on small entities with relatively low gross annual receipts. For purposes of the annual fee, each small entity size standard was divided into an upper and lower tier. Small entity licensees in the upper tier continued to pay an annual fee of \$1,800 while those in the lower tier paid an annual fee of \$400.

Based on the changes that had occurred since FY 1991, the NRC re-analyzed its maximum small entity annual fees in FY 2000, and determined that the small entity fees should be increased by 25 percent to reflect the increase in the average fees paid

by other materials licensees since FY 1991, as well as changes in the fee structure for materials licensees. The structure of the fees that NRC charged to its materials licensees changed during the period between 1991 and 1999. Costs for materials license inspections, renewals, and amendments, which were previously recovered through part 170 fees for services, are now included in the part 171 annual fees assessed to materials licensees. As a result, the maximum small entity annual fee increased from \$1,800 to \$2,300 in FY 2000. By increasing the maximum annual fee for small entities from \$1,800 to \$2,300, the annual fee for many small entities was reduced while at the same time materials licensees, including small entities, would pay for most of the costs attributable to them. The costs not recovered from small entities are allocated to other materials licensees and to power reactors.

While reducing the impact on many small entities, the NRC determined that the maximum annual fee of \$2,300 for small entities may continue to have a significant impact on materials licensees with annual gross receipts in the thousands of dollars range. Therefore, the NRC continued to provide a lower-tier small entity annual fee for small entities with relatively low gross annual receipts, and for manufacturing concerns and educational institutions not State or publicly supported, with less than 35 employees. The NRC also increased the lower tier small entity fee by the same percentage increase to the maximum small entity annual fee. This 25 percent increase resulted in the lower tier small entity fee increasing from \$400 to \$500 in FY 2000.

The NRC stated in the RFA for the FY 2001 final fee rule that it would re-examine the small entity fees every two years, in the same years in which it conducts the biennial review of fees as required by the Chief Financial Officer's Act. Accordingly, the NRC examined the small entity fees again in FY 2003 (68 FR 36714; June 18, 2003), and determined that a change was not warranted to the small entity fees established in FY 2003.

The NRC again re-examined the small entity fees for FY 2005, and did not believe that a change to the small entity fees was warranted. Unlike the annual fees assessed to other licensees, the small entity fees are not designed to recover the agency costs associated with particular licensees. Instead, the reduced fees for small entities are designed to provide some fee relief for qualifying small entity licensees while at the same time recovering from them some of the agency's costs for activities that benefit them. The costs not recovered from small entities for activities that benefit them must be recovered from other licensees. Given the reduction in annual fees from FY 2000 to FY 2005, on average, for those categories of materials licensees that contain a number of small entities, the NRC has determined that the current small entity fees of \$500 and \$2,300 continue to meet the objective of providing relief to many small entities while recovering from them some of the costs that benefit them.

Therefore, the NRC retained the \$2,300 small entity annual fee and the \$500 lower



tier small entity annual fee for FY 2005, and is not proposing changes to these fees in FY 2006. The NRC plans to re-examine the small entity fees again in FY 2007.

#### IV. Summary

The NRC has determined that the 10 CFR part 171 annual fees significantly impact a substantial number of small entities. A maximum fee for small entities strikes a balance between the requirement to recover 90 percent of the NRC budget and the requirement to consider means of reducing the impact of the fee on small entities. Based on its regulatory flexibility analysis, the NRC concludes that a maximum annual fee of \$2,300 for small entities and a lower-tier small entity annual fee of \$500 for small businesses and not-for-profit organizations with gross annual receipts of less than \$350,000, small governmental jurisdictions with a population of less than 20,000, small manufacturing entities that have less than 35 employees, and educational institutions that are not State or publicly supported and have less than 35 employees reduces the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA-90. Thus, the fees for small entities maintain a balance between the objectives of OBRA-90 and the RFA. Therefore, the analysis and conclusions previously established remain valid for FY 2006.

#### Attachment 1 to Appendix A—U.S. Nuclear Regulatory Commission Small Entity Compliance Guide; Fiscal Year 2006

##### Contents

Introduction  
NRC Definition of Small Entity  
NRC Small Entity Fees  
Instructions for Completing NRC Form 526

##### Introduction

The Congressional Review Act of 1996 (CRA) requires all Federal agencies to prepare a written guide for each "major" final rule, as defined by the Act. The NRC's fee rule, published annually to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, is considered a "major" rule under the CRA. Therefore, in compliance with the law, this guide has been prepared to assist NRC materials licensees in complying with the FY 2006 fee rule.

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced FY 2006 annual fees assessed under 10 CFR part 171. The NRC has established two tiers of annual fees for those materials licensees who qualify as small entities under the NRC's size standards.

Licensees who meet the NRC's size standards for a small entity (listed in 10 CFR Part 2.810) must submit a completed NRC Form 526 "Certification of Small Entity Status for the Purposes of Annual Fees Imposed Under 10 CFR Part 171" to qualify for the reduced annual fee. This form can be accessed on the NRC's Website at <http://www.nrc.gov>. The form can then be accessed by selecting "License Fees" and under "Forms" selecting NRC Form 526. For licensees who cannot access the NRC's

Website, NRC Form 526 may be obtained through the local point of contact listed in the NRC's "Materials Annual Fee Billing Handbook," NUREG/BR-0238, which is enclosed with each annual fee billing. Alternatively, the form may be obtained by calling the fee staff at 301-415-7554, or by e-mailing the fee staff at [fees@nrc.gov](mailto:fees@nrc.gov). The completed form, the appropriate small entity fee, and the payment copy of the invoice should be mailed to the U.S. Nuclear Regulatory Commission, License Fee Team, at the address indicated on the invoice. Failure to file the NRC small entity certification Form 526 in a timely manner may result in the denial of any refund that might otherwise be due.

#### NRC Definition of Small Entity

For purposes of compliance with its regulations (10 CFR 2.810), the NRC has defined a small entity as follows:

(1) *Small business*—a for-profit concern that provides a service, or a concern that is not engaged in manufacturing, with average gross receipts of \$5 million or less over its last 3 completed fiscal years;

(2) *Manufacturing industry*—a manufacturing concern with an average of 500 or fewer employees based on employment during each pay period for the preceding 12 calendar months;

(3) *Small organizations*—a not-for-profit organization that is independently owned and operated and has annual gross receipts of \$5 million or less;

(4) *Small governmental jurisdiction*—a government of a city, county, town, township, village, school district or special district, with a population of less than 50,000;

(5) *Small educational institution*—an educational institution supported by a qualifying small governmental jurisdiction, or one that is not State or publicly supported and has 500 or fewer employees.<sup>1</sup>

To further assist licensees in determining if they qualify as a small entity, the following guidelines are provided, which are based on the Small Business Administration's regulations (13 CFR part 121).

(1) A small business concern is an independently owned and operated entity which is not considered dominant in its field of operations.

(2) The number of employees means the total number of employees in the parent company, any subsidiaries and/or affiliates, including both foreign and domestic locations (*i.e.*, not solely the number of employees working for the licensee or conducting NRC licensed activities for the company).

(3) Gross annual receipts includes all revenue received or accrued from any source, including receipts of the parent company, any subsidiaries and/or affiliates, and

<sup>1</sup> An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

account for both foreign and domestic locations. Receipts include all revenues from sales of products and services, interest, rent, fees, and commissions, from whatever sources derived (*i.e.*, not solely receipts from NRC licensed activities).

(4) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

#### NRC Small Entity Fees

In 10 CFR 171.16(c), the NRC has established two tiers of fees for licensees that qualify as a small entity under the NRC's size standards. The fees are as follows:

	Maximum annual fee per licensed category
Small business not engaged in manufacturing and small not-for-profit organizations (Gross Annual Receipts):	
\$350,000 to \$5 million .....	\$2,300
Less than \$350,000 .....	500
Manufacturing entities that have an average of 500 employees or less:	
35 to 500 employees .....	\$2,300
Less than 35 employees .....	500
Small Governmental Jurisdictions (Including publicly supported educational institutions) (population):	
20,000 to 50,000 .....	\$2,300
Less than 20,000 .....	500
Educational institutions that are not State or publicly supported, and have 500 Employees or less:	
35 to 500 employees .....	\$2,300
Less than 35 employees .....	500

#### Instructions for Completing NRC Small Entity Form 526

(1) File a separate NRC Form 526 for each annual fee invoice received.

(2) Complete all items on NRC Form 526, as follows:

a. Enter the license number and invoice number exactly as they appear on the annual fee invoice.

b. Enter the Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) if known.

c. Enter the licensee's name and address as they appear on the invoice. Name and/or address changes for billing purposes must be annotated on the invoice. Correcting the name and/or address on NRC Form 526, or on the invoice does not constitute a request to amend the license. Any request to amend a license must be submitted to the respective licensing staff in the NRC's regional or headquarters offices.

d. Check the appropriate size standard for which the licensee qualifies as a small entity. Check only one box. Note the following:

(i) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

(ii) The size standards apply to the licensee, including all parent companies and affiliates—not the individual authorized users listed in the license or the particular

segment of the organization that uses licensed material.

(iii) Gross annual receipts means all revenue in whatever form received or accrued from whatever sources—not solely receipts from licensed activities. There are limited exceptions as set forth at 13 CFR 121.104. These are: the term receipts excludes net capital gains or losses; taxes collected for and remitted to a taxing authority (if included in gross or total income), proceeds from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS); and amounts collected for another entity by a travel agent, real estate agent, advertising agent, or conference management service provider.

(iv) The owner of the entity, or an official empowered to act on behalf of the entity, must sign and date the small entity certification.

The NRC sends invoices to its licensees for the full annual fee, even though some licensees qualify for reduced fees as small entities. Licensees who qualify as small

entities and file NRC Form 526, which certifies eligibility for small entity fees, may pay the reduced fee, which is either \$2,300 or \$500 for a full year, depending on the size of the entity, for each fee category shown on the invoice. Licensees granted a license during the first 6 months of the fiscal year, and licensees who file for termination or for a "possession only" license and permanently cease licensed activities during the first 6 months of the fiscal year, pay only 50 percent of the annual fee for that year. Such invoices state that the "amount billed represents 50% proration." This means that the amount due from a small entity is not the prorated amount shown on the invoice, but rather one-half of the maximum annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies, resulting in a fee of either \$1,150 or \$250 for each fee category billed (instead of the full small entity annual fee of \$2,300 or \$500).

Licensees must file a new small entity form (NRC Form 526) with the NRC each fiscal year to qualify for reduced fees in that year. Because a licensee's "size," or the size standards, may change from year to year, the

invoice reflects the full fee and licensees must complete and return form 526 for the fee to be reduced to the small entity fee amount. LICENSEES WILL NOT RECEIVE A NEW INVOICE FOR THE REDUCED AMOUNT. The completed NRC Form 526, the payment of the appropriate small entity fee, and the "Payment Copy" of the invoice should be mailed to the U.S. Nuclear Regulatory Commission, License Fee Team at the address indicated on the invoice.

If you have questions regarding the NRC's annual fees, please contact the license fee staff at 301-415-7554, e-mail the fee staff at [fees@nrc.gov](mailto:fees@nrc.gov), or write to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq.* NRC's implementing regulations are found at 10 CFR part 13.

[FR Doc. 06-1163 Filed 2-9-06; 8:45 am]

BILLING CODE 7590-01-P



# Federal Register

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Friday,  
February 10, 2006

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Part V

## Department of Education

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Office of Elementary and Secondary  
Education; Overview Information;  
Improving Literacy Through School  
Libraries Program; Notice Inviting  
Applications for New Awards for Fiscal  
Year (FY) 2006; Notice

## DEPARTMENT OF EDUCATION

### Office of Elementary and Secondary Education; Overview Information; Improving Literacy Through School Libraries Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.364A.

*Dates: Applications Available:* February 10, 2006. *Deadline for Transmittal of Applications:* April 11, 2006. *Deadline for Intergovernmental Review:* June 12, 2006.

*Eligible Applicants:* Local educational agencies (LEAs) in which at least 20 percent of the students served by the LEA are from families with incomes below the poverty line based on the most recent satisfactory data available from the U.S. Census Bureau at the time this notice is published. These data are Small Area Income and Poverty Estimates for school districts for income year 2003. A list of LEAs with their family poverty rates (based on these Census Bureau data) is posted on our Web site at: <http://www.ed.gov/programs/lsl/eligibility.html>.

*Estimated Available Funds:* \$18,901,586. Contingent upon the availability of funds and quality of applications, the Secretary may make additional awards in FY 2007 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* \$30,000–\$300,000.

**Note:** Actual award amounts will be based on the number of schools and students served by the project.

*Estimated Average Size of Awards:* \$190,000.

*Estimated Number of Awards:* 100.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

#### Full Text of Announcement.

#### I. Funding Opportunity Description

*Purpose of Program:* The purpose of this program is to improve student reading skills and academic achievement by providing students with increased access to up-to-date school library materials; well-equipped, technologically advanced school library media centers; and well-trained, professionally certified school library media specialists.

*Priority:* Under this competition we are particularly interested in applications that address the following priority.

*Invitational Priority:* For FY 2006 and any subsequent year in which we make

awards based on the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is: Under this priority the Secretary strongly encourages applicants to focus their efforts on elementary schools in order to maximize the impact of the project on improving reading achievement.

**Program Authority:** 20 U.S.C. 6383.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final clarification of eligible local activities, published in the Federal Register on April 5, 2004 (69 FR 17894).

#### II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:*

\$18,901,586. Contingent upon the availability of funds and quality of applications, the Secretary may make additional awards in FY 2007 from the list of unfunded applicants from this competition.

*Estimated Range of Awards:* \$30,000–\$300,000.

**Note:** Actual award amounts will be based on the number of schools and students served by the project.

*Estimated Average Size of Awards:* \$190,000.

*Estimated Number of Awards:* 100.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

#### III. Eligibility Information

1. *Eligible Applicants:* LEAs in which at least 20 percent of the students served by the LEA are from families with incomes below the poverty line based on the most recent satisfactory data available from the U.S. Census Bureau at the time this notice is published. These data are Small Area Income and Poverty Estimates for school districts for income year 2003. A list of LEAs with their family poverty rates (based on these Census Bureau data) is posted on our Web site at: <http://www.ed.gov/programs/lsl/eligibility.html>.

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching, but does involve supplement-not-supplant funding provisions. Funds made available under this program must be used to supplement, and not supplant, other

Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities (20 U.S.C. 6383(i)).

#### IV. Application and Submission Information

1. *Address to Request Application Package:* You may obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet use the following addresses: <http://www.grants.gov> or <http://www.ed.gov/programs/lsl/applicant.html>. To obtain a copy from ED Pubs, write or call the following: ED Pubs, P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.364A.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program. An Eligibility Form is included in the application package. You must fill out the Eligibility Form, following the instructions provided in the application package.

*Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the narrative to the equivalent of no more than 15 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger.

The page limit does not apply to the forms, budget section, budget justification, assurances and certifications, one-page abstract, endnotes, or resumes. However, you must include all of the application narrative in the narrative section. Charter Schools and State Administered Schools must include some form of documentation from their State Educational Agency (SEA) confirming eligibility for this program. This documentation is not counted toward the page limit.

Our reviewers will not read any pages of your application that:

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Appendices to the narrative are not permitted, with the exception of resumes and endnotes. None of the material sent as appendices to the narrative, with the exception of resumes and endnotes, will be sent to the reviewers.

### 3. Submission Dates and Times:

*Applications Available:* February 10, 2006.

*Deadline for Transmittal of Applications:* April 11, 2006.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.

### 6. Other Submission Requirements in this notice.

We do not consider an application that does not comply with the deadline requirements.

*Deadline for Intergovernmental Review:* June 12, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Improving Literacy Through School Libraries program-CFDA Number 84.364A must be submitted electronically using the Grants.gov Apply site at: <http://www.grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for Improving Literacy Through School Libraries program at: <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application

deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see <http://www.grants.gov/assets/GrantsgovCoBrandBrochure8x11.pdf>). You also must provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from

Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

**Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:** If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m.,

Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because:

- You do not have access to the Internet; or
  - You do not have the capacity to upload large documents to the Grants.gov system;
- and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date

falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Irene Harwarth, U.S. Department of Education, room 3W227, 400 Maryland Avenue, SW., Washington, DC 20202-6200. Fax: (202) 260-8969.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

**b. Submission of Paper Applications by Mail.** If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

**By mail through the U.S. Postal Service:**  
U.S. Department of Education,  
Application Control Center,  
Attention: (CFDA Number 84.364A),  
400 Maryland Avenue, SW.,  
Washington, DC 20202-4260;

or

**By mail through a commercial carrier:**  
U.S. Department of Education,  
Application Control Center—Stop  
4260, Attention: (CFDA Number  
84.364A), 7100 Old Landover Road,  
Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,
- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

**c. Submission of Paper Applications by Hand Delivery.** If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.364A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

**1. Selection Criteria:** We use the following statutory selection criteria to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

We evaluate an application by determining how well the proposed project meets the following criteria:

- (a) *Meeting the purpose of the statute* (10 points). How well the proposed project addresses the intended outcome of the statute: To improve student reading skills and academic achievement by providing students with increased access to up-to-date school library materials; a well-equipped,

technologically advanced school library media center; and well-trained, professionally certified school library media specialists.

(b) *Need for school library resources* (10 points). How well the applicant demonstrates the need for school library media improvement, based on the age and condition of school library media resources, including book collections; access of school library media centers to advanced technology; and the availability of well-trained, professionally certified school library media specialists, in schools served by the applicant.

(c) *Use of funds* (50 points). How well the applicant will use the funds made available through the grant to carry out one or more of the following activities that meet its demonstrated needs:

(1) Acquiring up-to-date school library media resources, including books.

(2) Acquiring and using advanced technology, incorporated into the curricula of the school, to develop and enhance students' skills in retrieving and making use of information and in critical thinking.

(3) Facilitating Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries.

(4) Providing professional development (as described in the notice of final clarification of eligible local activities published in the **Federal Register** on April 5, 2004 (69 FR 17894)) for school library media specialists that is designed to improve literacy in grades K-3, and for school library media specialists as described in section 1222(d)(2) of the ESEA and providing activities that foster increased collaboration between school library media specialists, teachers, and administrators.

(5) Providing students with access to school libraries during non-school hours, including the hours before and after school, during weekends, and during summer vacation periods.

(d) *Use of scientifically based research* (10 points). How well the applicant will use programs and materials that are grounded in scientifically based research, as defined in section 9101(37) of the ESEA, in carrying out one or more of the activities described under criterion (c).

(e) *Broad-based involvement and coordination* (10 points). How well the applicant will extensively involve

school library media specialists, teachers, administrators, and parents in the proposed project activities and effectively coordinate the funds and activities provided under this program with other literacy, library, technology, and professional development funds and activities.

(f) *Evaluation of quality and impact* (10 points). How well the applicant will collect and analyze data on the quality and impact of the proposed project activities, including the extent to which the availability of, the access to, and the use of up-to-date school library media resources in the elementary schools and secondary schools served by the applicant increase; and the impact of the project on the reading skills of students.

2. *Review and Selection Process*: An additional factor we consider in selecting an application for an award is the equitable distribution of grants across geographic regions and among LEAs serving urban and rural areas.

#### VI. Award Administration Information

1. *Award Notices*: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements*: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting*: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary.

4. *Performance Measures*: In response to the Government Performance and Results Act (GPRA), the Department developed two measures for evaluating the overall effectiveness of the Improving Literacy Through School Libraries program. These measures gauge improvement in student achievement and resources in the

schools and districts served by the Improving Literacy Through School Libraries program by assessing increases in: (1) The percentage of participating schools and districts that exceed State adequate yearly progress targets under ESEA Title I for reading achievement for all students; and (2) The school library media collections at participating schools, compared to schools not participating in the program.

The Department will collect data for these measures from grantees' annual performance reports and other data sources.

#### VII. Agency Contact

##### FOR FURTHER INFORMATION CONTACT:

Irene Harwarth, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W227, Washington, DC 20202-6200. Telephone: (202) 401-3751 or by e-mail: [Irene.Harwarth@ed.gov](mailto:Irene.Harwarth@ed.gov).

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the program contact person listed in this section.

#### VIII. Other Information

*Electronic Access to This Document*: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note**: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: February 7, 2006.

Henry L. Johnson,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. E6-1906 Filed 2-9-06; 8:45 am]

BILLING CODE 4000-01-P







# Federal Register

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Friday,  
February 10, 2006

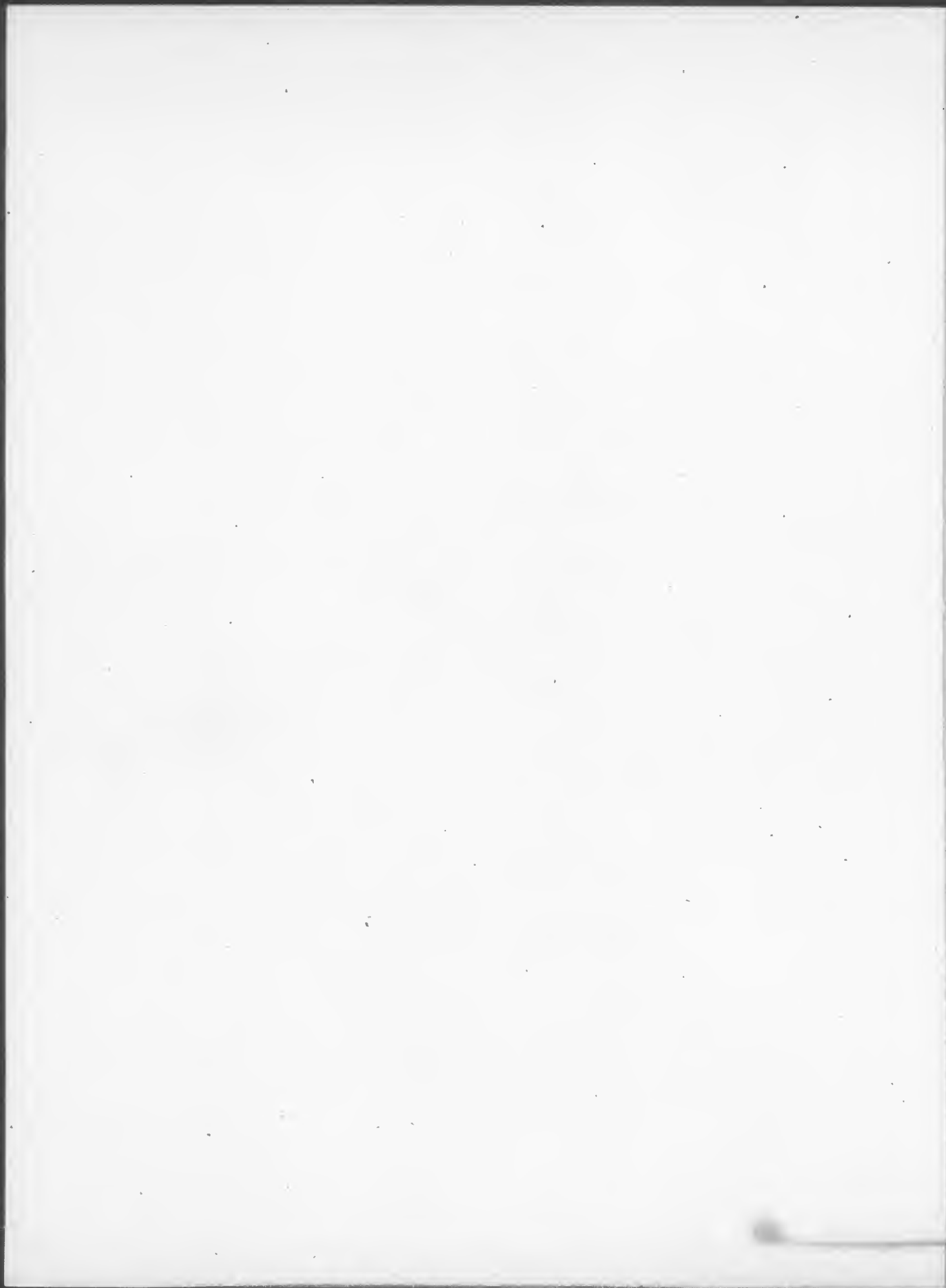
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Part VI

## The President

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Executive Order 13396—Blocking  
Property of Certain Persons Contributing  
to the Conflict in Côte d'Ivoire



## Presidential Documents

Title 3—

Executive Order 13396 of February 7, 2006

The President

## Blocking Property of Certain Persons Contributing to the Conflict in Côte d'Ivoire

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*)(NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code, and to assist in addressing humanitarian, safety, and other concerns in or in relation to the country of Côte d'Ivoire,

I, GEORGE W. BUSH, President of the United States of America, determine that the situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, that has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces leading to fatalities, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat, and hereby order:

**Section 1.** (a) Except to the extent that section 203(b)(1), (3), and (4) of the IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)) may apply, or to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, such as by blocking the implementation of the Linas-Marcoussis Agreement of January 24, 2003, the Accra III Agreement of July 30, 2004, and the Pretoria Agreement of April 6, 2005;

(B) to be responsible for serious violations of international law in Côte d'Ivoire;

(C) to have directly or indirectly supplied, sold, or transferred to Côte d'Ivoire arms or any related materiel or any assistance, advice, or training related to military activities;

(D) to have publicly incited violence and hatred contributing to the conflict in Côte d'Ivoire;

(E) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraphs (a)(ii)(A), (a)(ii)(B), (a)(ii)(C), or (a)(ii)(D) of this section or any person listed in or designated pursuant to this order; or

(F) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that, to the extent section 203(b)(2) of the IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the type of articles specified in such section by, to, or for the benefit of, any person listed in or designated pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of, any person listed in or designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

**Sec. 2.** (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

**Sec. 3.** For purposes of this order:

(a) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term "person" means an individual or entity;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term "arms or any related materiel" means arms or related materiel of all types, including military aircraft and equipment, but excludes:

(i) supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire and forces of France who support them;

(ii) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training;

(iii) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media, and humanitarian and development workers and associated personnel, for their personal use only;

(iv) supplies temporarily exported to Côte d'Ivoire to the forces of a country that is taking action solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire; and

(v) supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defense and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement.

**Sec. 4.** For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

**Sec. 5.** The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation

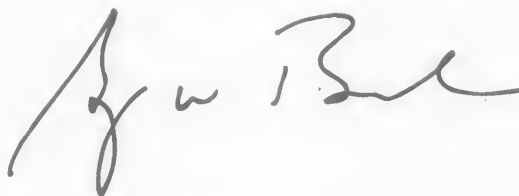
of rules and regulations, and to employ all powers granted to the President by the IEEPA and the UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All executive agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to this order.

**Sec. 6.** The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of the IEEPA (50 U.S.C. 1703(c)).

**Sec. 7.** The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

**Sec. 8.** This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

**Sec. 9.** This order is effective at 12:01 a.m. eastern standard time on February 8, 2006.



THE WHITE HOUSE,  
February 7, 2006.

**ANNEX**Individuals

1. Eugène Ngoran Kouadio DJUE [Leader of Union for the Total Liberation of Cote d'Ivoire (Union pour la Liberation Totale de la Cote d'Ivoire, UPLTCI), born December 20, 1969]
2. Martin Kouakou FOFIE ["New Forces" (Forces Nouvelles) Zone Commander in Korhogo, born January 1, 1968]
3. Charles BLE GOUDE [Head of "Young Patriots" (Congres Panafricain des Jeunes Patriotes, COJEP), born January 1, 1972]

[FR Doc. 06-1316  
Filed 2-9-06; 8:45 am]  
Billing code 4810-25-C

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Federal Register

Vol. 71, No. 28

Friday, February 10, 2006

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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#### LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

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#### H.R. 4659/P.L. 109-170

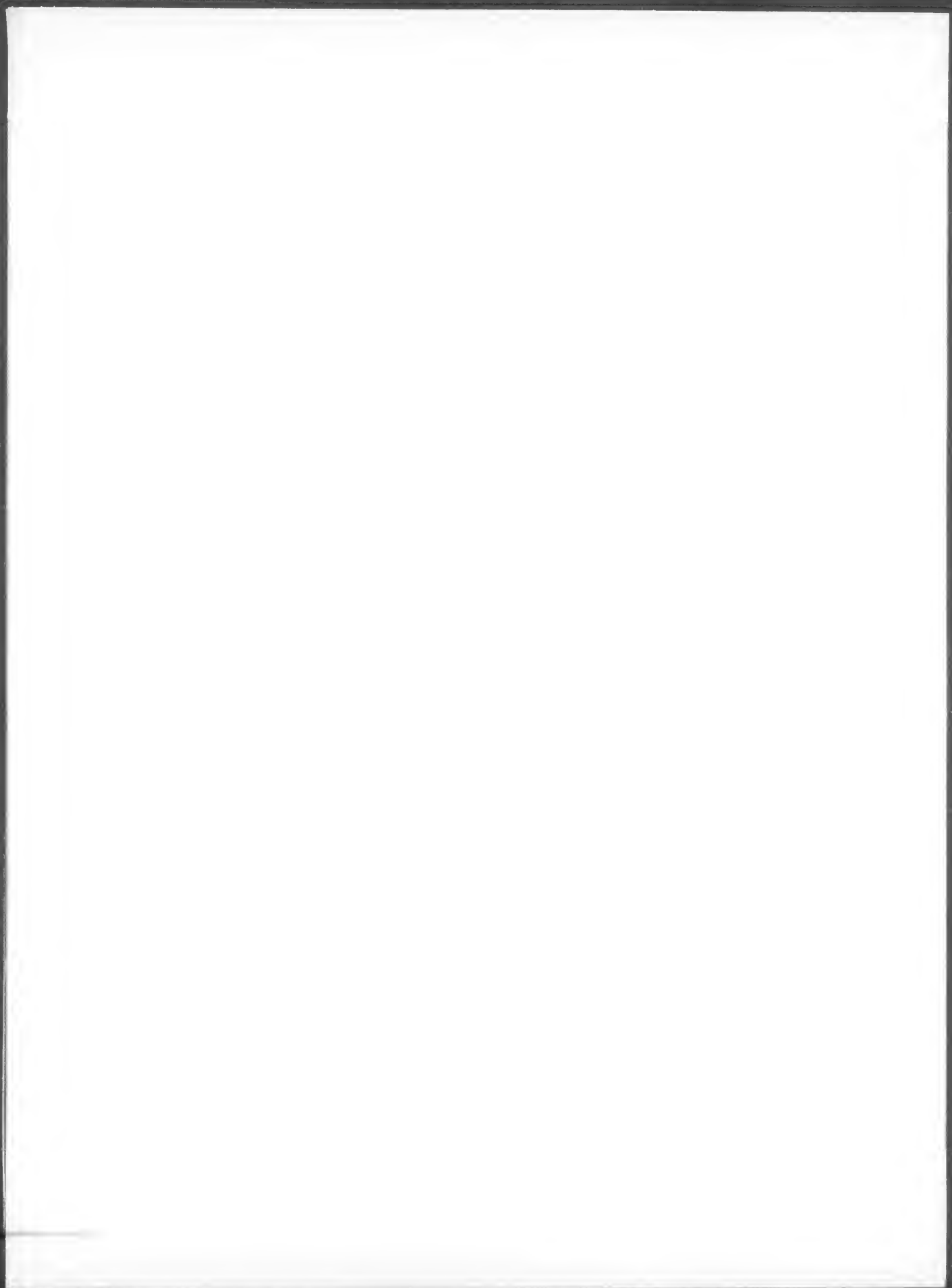
To amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act. (Feb. 3, 2006; 120 Stat. 3)

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