

**SUPPLEMENTARY INFORMATION:** The BLM proposes to dispose of the following described lands in Rio Arriba County, New Mexico by direct sale pursuant to section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713): New Mexico Principal Meridian, T. 23 N., R. 6 W., Sec. 18: Lots 8, 11, Containing 22.07 acres.

The fair market value (FMV) for the lands, exclusive of improvements, is \$26,484.00 as determined by a current appraisal conducted in accordance with Department of the Interior policies and guidelines. Disposal of the land conforms to the BLM land use plan for the area.

The proposed purchaser is Merrion Oil & Gas Corporation (Merrion) of Farmington, New Mexico. For many years, Merrion has occupied the above described lands as the tenant under a lease for an oil and gas field storage yard and operating center. The parcel of Federal land proposed for sale has been surveyed and reduced to the 22.07 acres occupied by the storage yard and operating center. The proposed direct sale recognizes the current authorized uses of the Federal land by Merrion and the substantial economic loss that could occur to Merrion if the land was purchased by another party, consistent with the provisions of 43 CFR 2711.3-3(a)(3). These uses over time may have also resulted in the release or disposal of hazardous substances onto the leased land under Merrion's possession and control, thus, if such is the case, subjecting the United States, as owner of the land, to compliance with the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended (CERCLA), 42 U.S.C. 9620(h). Merrion is aware of its CERCLA responsibilities as a potential responsible party (PRP) and proposes to continue to use the lands as a storage yard and operation center with related buildings and facilities. Because Merrion is a PRP as to the leased land, Interior is not required to provide the covenants specified in section 120(h)(3)(A)(ii) of CERCLA., when and if it sells the land to Merrion.

The sale, will contain and be subject to the following:

1. Reservation to the United States of a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.
2. Reservation to the United States of all minerals.
3. Valid existing rights, including but not limited to easements, licenses, permits or leases, whether or not of record.

4. The information required by CERCLA section 120(h)(3)(A)(i) to be set forth in the deed.

5. The indemnity provisions set forth as a separate paragraph immediately below in this Notice.

By accepting title, Merrion, for itself, its successors, assigns and grantees, agrees to indemnify the United States against any liability arising from the release or threatened release of hazardous waste on this property. This agreement applies without regard to whether a release is caused by the proponent, their agent, or unrelated third parties.

The proposed sale and conveyance of the above described lands will be in the public interest, because it will enhance economic development by allowing Merrion to further develop and improve the lands free of existing lease restrictions and it will relieve the United States of any requirement it may be subject to under section 120(h)(3)(A)(ii) of CERCLA.

Publication of this notice temporarily segregates the public land described above from all forms of appropriation under the public land laws, including the general mining laws, except for sale under Section 203 of the Federal Land Policy and Management Act of 1976.

Dated: September 1, 2004.

**Ray Sanchez,**

*Supervisor for Lands & Realty.*

[FR Doc. 05-2538 Filed 2-9-05; 8:45 am]

**BILLING CODE 4310-VB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-072-1220-EB]

#### Notice of Final Supplementary Rules for Developed Recreation Sites Within the Area Managed by the Butte Field Office; Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM), Butte Field Office, is implementing supplementary rules. These supplementary rules will apply to the public lands within developed recreation sites managed by the Butte Field Office. The BLM has determined these supplementary rules are necessary to: Protect natural resources in the areas; protect public health; enhance the safety of area visitors and neighboring residents; and provide a more equitable means for visitors to obtain overnight camping units within developed

recreation sites where demand is the highest.

**EFFECTIVE DATE:** The rules are effective February 10, 2005.

**ADDRESSES:** Bureau of Land Management, Butte Field Office, 106 N. Parkmont, Butte, Montana 59701, *MT\_Butte\_FO@blm.gov*.

**FOR FURTHER INFORMATION CONTACT:** Brad Rixford, Outdoor Recreation Planner, 106 N. Parkmont, Butte, Montana 59701; at telephone number 406-533-7600.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The BLM is establishing these supplementary rules under the authority of 43 CFR 8365.1-6, which allows BLM State Directors to establish such rules for the protection of persons, property, and public lands and resources. This provision allows the BLM to issue rules of less than national effect without codifying the rules in the Code of Federal Regulations. Upon completion, the rules will be available for inspection in the Butte Field Office; the rules will be posted at the sites, and will be published in a newspaper of general circulation in the affected vicinity.

The overall program authority for the operation of these developed recreation sites is found in sections 302 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1740).

The developed recreation sites where fees are charged are managed under the Recreation Fee Demonstration Project, which allows the BLM to collect fees and use the revenues for the management of recreation sites within the state where the fees are collected. BLM published these rules on September 15, 2004 (69 FR 55651).

##### **II. Areas Covered by the Supplementary Rules**

The supplementary rules containing rules of conduct apply to all developed recreation sites within the area managed by the Butte Field Office. A second set of the supplementary rules relating to permits and camp unit administration apply to all recreation fee sites managed by the Butte Field Office.

##### **III. Discussion of the Supplementary Rules**

The following provides a summary background of the rules of conduct in section 1 of the supplementary rules and the administrative rules in section 2 may need a background summary.

a. We require that you pay for boat ramp and other day-use facilities before you launch or otherwise use them, rather than waiting for the end of the

day when you may be in a hurry to return home. For those camping in recreation fee sites, BLM personnel will advise you what units are available. Once you select a camp unit, you must return to the entrance station to make payment and complete your registration.

b. Each camp unit has a wooden post to which you must attach your payment receipt. This way, we can see that you are properly registered without searching around your vehicle or otherwise bothering you during your visit.

c. We have had problems with people claiming or holding camp units for friends arriving later by placing coolers, deck chairs, vehicles, or other equipment on the units. This is unfair to other visitors. Our camp units are available on a first-come, first-served basis.

d. Because of increased demand for camping units within our developed recreation sites, we have reduced the length-of-stay rule from 14 days to seven days for some recreation sites, as listed.

e. With respect to visitors' claiming extra boat dock slips, the reasoning applied to the claiming of extra camp units in paragraph c., discussed above, applies equally to extra boat dock slips.

f. We have had problems with vandalism and after-dark keg parties getting out of hand at the Clark's Bay day-use recreation site, so we close the site temporarily each day to vehicles and social gatherings from dusk to 9 a.m., from May through September, and for the entire day from October through April. Individuals wishing to hike, jog, walk their dogs, or otherwise make pedestrian use of the site during the closure periods are welcome to do so.

#### IV. Discussion of Public Comments

No comments were received and, consequently, no discussion is needed.

#### V. Procedural Matters

##### *Executive Order 12866, Regulatory Planning and Review*

These supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an effect of \$100 million or more on the economy. They are not intended to affect commercial activity, but contain rules of conduct for public use of certain recreational sites. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These

proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues.

##### *National Environmental Policy Act*

The BLM has prepared an environmental assessment (EA) or management agreement and has found that the supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules merely contain rules of conduct for certain recreational lands in Montana. These rules are designed to protect the environment and the public health and safety. A detailed statement under NEPA is not required. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section.

##### *Regulatory Flexibility Act*

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands. Therefore, the BLM has determined, under the RFA, that these supplementary rules will not have a significant economic impact on a substantial number of small entities.

##### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

These supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the supplementary rules merely contain rules of conduct for recreational use of certain public lands. The supplementary rules have no effect on business, commercial, or industrial use of the public lands.

##### *Unfunded Mandates Reform Act*

These supplementary rules do not impose an unfunded mandate on State,

local or tribal governments or the private sector of more than \$100 million per year; nor do these supplementary rules have a significant or unique effect on State, local, or tribal governments or the private sector. The supplementary rules do not require anything of State, local, or tribal governments. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

##### *Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)*

These supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that these supplementary rules do not cause a taking of private property or require further discussion of takings implications under Executive Order 12630.

##### *Executive Order 13132, Federalism*

These supplementary rules do 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. The supplementary rules affect land in only one state, Montana, and do not address jurisdictional issues involving the State government. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

##### *Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, the Office of the Solicitor has determined that these supplementary rules do not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

##### *Paperwork Reduction Act*

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

## Supplementary Rules

**Section 1:** Under 43 CFR 8365.1–6, the Bureau of Land Management will enforce the following rules for developed recreation sites within the area managed by the Butte Field Office, Montana.

- a. You may not engage in any activities that disturb other campers between 10 p.m. and 7 a.m.
- b. Your pets must be controlled on leashes and their droppings picked up and disposed of.
- c. You must not swim outside of designated, roped-off areas.
- d. You may not bring livestock into a developed recreation site.
- e. You may not claim or hold extra camp units for yourself or others.
- f. You may only use day-use docks for short term (10 minutes) loading and unloading.

g. You must not leave your camp unit or any property unattended for more than a period of 24 consecutive hours.

**Section 2:** In addition to the rules in Section 1 of these supplementary rules, the following additional rules apply to all recreation fee sites managed by the Butte Field Office.

- a. You must pay established fees, and fill out all registration material, in advance of using a boat ramp or other day-use facility, or immediately upon selecting a camp unit.
- b. You must display your receipt of payment at your camp unit post for overnight camping or, for day-use facilities, on the dashboard of your vehicle in a clearly visible manner.
- c. You must not camp or hold any camp unit longer than seven (7) consecutive days. This rule is limited to Holter Lake, Log Gulch, and Departure Point Recreation Sites.
- d. You may not use overnight dock slips unless you are a paid, overnight camper.
- e. You may not claim or hold extra boat dock slips for yourself or others.

f. You must not drive a motor vehicle into the Clark's Bay day-use site, or use the day-use site for social gatherings, after dusk until 9 a.m. the following day during the months of May through September, nor shall you conduct these uses in the site at any time during the months of October through April. Individuals wishing to make pedestrian use of the site during the closure periods are welcome to do so.

**Penalties:** On public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0–7 any person who violates any of these supplementary rules within the boundaries established in the rules may

be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Dated: December 28, 2004.

**Martin C. Ott,**  
State Director.

[FR Doc. 05–2540 Filed 2–9–05; 8:45 am]

**BILLING CODE 4310--SS-P**

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Meeting of the Judicial Conference Advisory Committee on Rules of Civil Procedure

**AGENCY:** Judicial Conference of the United States; Advisory Committee on Rules of Civil Procedure.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Rules of Civil Procedure will hold an open meeting on Saturday, February 12, 2005, from 1 p.m. to 3 p.m. The meeting will be held in the Judicial Conference Center of the Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE.

[The meeting will follow the Saturday, February 12, 2005, public hearing which will begin at 8:30 a.m., and end at 12 noon. Original notice of the February 12, 2005, public hearing appeared in the **Federal Register** of February 1, 2005.]

**FOR FURTHER INFORMATION CONTACT:** John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 3, 2005

**John K. Rabiej,**

Chief, Rules Committee Support Office.

[FR Doc. 05–2599 Filed 2–9–05; 8:45 am]

**BILLING CODE 2210--55-M**

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Stipulation Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on January 28, 2005, a proposed Settlement Agreement in *In re Armstrong World Industries, Inc., et al.* Case No. 00–4471 (Bankr. D. Del.), was lodged with the United States Bankruptcy Court for the District of Delaware. In this action, the United States filed a proof of claim on behalf of the U.S. Environmental

Protection Agency (“EPA”), against Armstrong World Industries, Inc. (“AWI”), seeking the recovery of response costs incurred at seven sites under section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9604(a).

Under the proposed Settlement Agreement, the claims of the United States regarding 19 “Liquidated Sites” will be resolved for a total of \$8,727,738.80. In addition, the proposed Settlement Agreement will permit EPA to resolve in due course any alleged liabilities of AWI at any “Additional Sites” (e.g., presently unknown sites), whether prior to or following the effective date of a confirmed reorganization plan. Any settlements reached or judgments obtained regarding such Sites will be paid at the rate at which general unsecured claims against AWI will be paid. Under AWI’s proposed Fourth Amended Plan of Reorganization (the “Plan”), which has been approved by the United States Bankruptcy Court for the District of Delaware and is pending before the District Court, that rate is 59.5%. In addition, the United States has agreed that any claims which EPA may have at 18 identified sites, where EPA upon investigation does not believe it has claims, will be discharged upon confirmation of the Plan.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re Armstrong World Industries, Inc.*, DJ No. 90–11–3–07780.

The proposed Settlement Agreement may be examined at the office of the United States Attorney, District of Delaware, 1007 N. Orange Street, Suite 700, Wilmington, Delaware 19801, and at the Office of the Regional Counsel, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, Pennsylvania 19103. During the comment period, the Stipulation and Agreement may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Stipulation and Agreement may be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514–0097, phone