

including small entities, from employing manipulative or deceptive devices or contrivances, and therefore may cause entities, including potentially small entities, to increase costs in order to comply. This prohibition, however, will improve market transparency to the economic benefit of all entities, including small entities. Therefore, the Commission certifies that this proposed rule, if finalized, will not have a significant economic impact on a substantial number of small entities.

#### Comment Procedures

21. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due November 17, 2005. Reply comments are due seven days thereafter. Comments must refer to Docket No. RM06-3-000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. Comments may be filed either in electronic or paper format.

22. Comments may be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats and commenters may attach additional files with supporting information in certain other file formats. Commenters filing electronically do not need to make a paper filing. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE., Washington, DC 20426.

23. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

#### Document Availability

24. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

25. From FERC's Home Page on the Internet, this information is available in the eLibrary. The full text of this document is available in the eLibrary both in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

26. User assistance is available for eLibrary and the FERC's Web site during our normal business hours. For assistance contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### List of Subjects

##### 18 CFR Part 47

Electric utilities, Electric power, Investigations, Penalties.

##### 18 CFR Part 159

Natural Gas, Pipelines, Investigations, Penalties.

By direction of the Commission.

**Magalie R. Salas**,  
Secretary.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18, *Code of Federal Regulations*, as follows:

1. Part 47 is added to read as follows:

#### PART 47—PROHIBITION OF ENERGY MARKET MANIPULATION

**Authority:** 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

##### § 47.1 Prohibition of energy market manipulation.

(a) It shall be unlawful for any entity, directly or indirectly,

(1) To use or employ any device, scheme, or artifice to defraud,

(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) To engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of electric energy or the purchase or sale of transmission services subject to the jurisdiction of the Commission.

(b) Nothing in this § 47.1 shall be construed to create a private right of action.

2. Part 159 is added to read as follows:

#### PART 159—PROHIBITION OF ENERGY MARKET MANIPULATION

**Authority:** 15 U.S.C. 717–717z; 42 U.S.C. 7101–7352.

##### § 159.1 Prohibition of energy market manipulation.

(a) It shall be unlawful for any entity, directly or indirectly,

(1) To use or employ any device, scheme, or artifice to defraud,

(2) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) To engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of natural gas or the purchase or sale of transportation services subject to the jurisdiction of the Commission.

(b) Nothing in this § 159.1 shall be construed to create a private right of action.

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#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 16

##### RIN 1018–AG70

#### Injurious Wildlife Species; Black Carp (*Mylopharyngodon piceus*); Extension of Comment Period

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

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, extend the comment period on a proposed rule to add all forms of live black carp (*Mylopharyngodon piceus*), including gametes and viable eggs, to the list of injurious fish under the Lacey Act and on the draft environmental assessment and draft economic analysis prepared in association with the proposed rule.

**DATES:** Comments must be submitted on or before December 16, 2005.

**ADDRESSES:** The analyses are available from the Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Mail Stop 322, Arlington, Virginia 22203; FAX (703) 358–1800. They also are available on our Web page

at <http://contaminants.fws.gov/Issues/InvasiveSpecies.cfm>. Comments may be hand-delivered, mailed, or sent by fax to the address listed above. Alternatively, you may send comments by electronic mail (e-mail) to: [BlackCarp@fws.gov](mailto:BlackCarp@fws.gov). See the Public Comments Solicited section below for file format and other information about electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Erin Williams, Division of Environmental Quality, Branch of Invasive Species, at (703) 358-2034 or [erin\\_williams@fws.gov](mailto:erin_williams@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

In February 2000, we were petitioned to list black carp as an injurious wildlife species under the Lacey Act (18 U.S.C. 42). On July 30, 2002 (67 FR 49280), we published a proposed rule in the **Federal Register** to add all forms (diploid and triploid) of live black carp to the list of injurious fish, mollusks, and crustaceans under the Lacey Act. The comment period on the proposed rule closed on September 30, 2002. On June 4, 2003 (68 FR 33431), we reopened the comment period until

August 4, 2003. We received 103 comments during the first two comment periods.

On August 30, 2005 (70 FR 51326), we announced the availability for public comment of a draft environmental assessment and draft economic analysis for the proposed rule and reopened the comment period on the proposed rule. The purpose of the draft environmental assessment is to evaluate three alternatives associated with the proposed rule; the purpose of the draft economic analysis is to analyze the potential economic impact if the proposed rule were adopted as published. The comment period on the proposed rule, draft environmental assessment, and draft economic analysis is set to close October 31, 2005.

Because of requests received from the public, we are hereby extending the comment period until December 16, 2005. As stated in the August 30, 2005, **Federal Register** document, we are particularly interested in data and comments on alternatively listing the diploid (fertile) form only. Please refer to that document for further information. Comments already

submitted on the proposed rule need not be resubmitted as they will be fully considered in our decisionmaking.

**Public Comments Solicited**

Submit data and comments as identified in **ADDRESSES**. If you submit documentation by e-mail, please submit it as an ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-AG70]" in your e-mail subject line and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our office at telephone number 703-358-2148 during normal business hours. Please note that this e-mail address will be closed at the termination of the public comment period.

**Authority:** 18 U.S.C. 42.

Dated: October 19, 2005.

**Paul Hoffman,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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