

Executive Order 13132, Federalism

The supplementary rules 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. The supplementary rules in several instances call for compliance with state law. Therefore, in accordance with Executive Order 13132, 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 determined that these supplementary rules will not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have found that these supplementary rules do not include policies that have tribal implications. There are no Indian Reservations adjacent to the Fort Meade Recreation Area, nor are there any Indian Trust responsibilities issues such as mineral extraction or leases that affect the subject lands.

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 of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal authors of these supplementary rules are William McDonald, Law Enforcement Ranger, South Dakota Field Office, and Jason Caffey, Law Enforcement Ranger, Montana State Office, BLM.

For the reasons stated in the preamble and under the authorities for supplementary rules found under 43 CFR 8365.1-6, 43 CFR 8364.1, 43 U.S.C. 1740, 16 U.S.C. 670h(c)(5), and 43 U.S.C. 315a, the Montana/Dakotas State Director, Bureau of Land Management is issuing supplementary rules for public lands managed by the BLM in South Dakota, to read as follows:

Supplementary Rules for Fort Meade Recreation Area

The following regulations apply to public lands in the Fort Meade Recreation Area:

1. The use of tree stands must adhere to the regulations listed in South Dakota Game, Fish & Parks Department Code (section 41:03:01:19).

2. You may hunt with firearms and legally pursue game under state law within the northern portion of Fort Meade Recreation Area. However, discharge of firearms for other than hunting and the pursuit of game under state law within the northern portion of the Fort Meade Recreation Area is prohibited. The northern portion of the Fort Meade Recreation Area is defined as the northern-most quarter of the area which lies north of the ridgeline near Sly Hill. The area includes the portions of Township 6 North, Range 5 East, Sections 25, 26, 27, 34, 35 & 36, and Township 6 North, Range 5 East, Sections 2, 3, and 10 that are east of Old Highway 79. Actual boundaries are well marked with signs.

3. All firearms use is prohibited within the remaining portion of the Fort Meade Recreation Area. This includes the small area west of Old Highway 79, as well as the southern three-quarters of the Recreation Area. This includes target shooting as well as the legal pursuit of game with firearms during hunting seasons established by the state. The only exception is the use of muzzleloaders within the authorized range in the northwest quarter of Township 5 North, Range 5 East, Section 11.

4. The use or possession of metal detectors within the Fort Meade Recreation Area is prohibited.

5. Uncased firearms and bows are prohibited year round in established campgrounds.

6. Gasoline motors are prohibited on Fort Meade Reservoir.

7. Snowmobiles are prohibited within the Fort Meade Recreation Area.

Penalties

On all public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a), 43 CFR 8360.0-7 and 43 CFR 9212.4, any person who violates any of these supplementary rules, closures or restrictions on public lands 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.

On public lands within grazing districts (43 U.S.C. 315) and grazing leased lands (43 U.S.C. 315m), under the Taylor Grazing Act, 43 U.S.C. 315(a), any person who violates any of these supplementary rules on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

On public lands fitting the criteria in the Sikes Act, 16 U.S.C. 670j(a)(2), any person who violates any of these supplementary rules on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

On public lands designated under the National Trails System (16 U.S.C. 1241-1249) any person who violates any of these supplementary rules on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Martin C. Ott,

Montana/Dakotas State Director, Bureau of Land Management.

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BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Notice of Intention To Bill for Trinity Public Utilities District Assessment

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of interim billing procedures.

SUMMARY: To comply with the requirements of Public Law 106-377, the Mid-Pacific Region of the Bureau of Reclamation (Reclamation) will be billing Central Valley Project (CVP) water contractors for their share of the Trinity Public Utilities District (TPUD) assessment. This will be an interim process until supplementary rate setting policies are established that ensure full recovery of the assessment without further appropriation as required in the law. Billings will be prepared with payment due within 30 days and the billing period will cover the TPUD

assessment for Fiscal Years 2006 and 2007.

DATES: Submit written comments on the direct billing of the TPUD assessment on or before August 18, 2006 to the address below.

ADDRESSES: Written comments on this change in process for collecting the TPUD assessment should be addressed to the Bureau of Reclamation, Attention: Tom Ruthford, MP-3600, 2800 Cottage Way, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Katherine Thompson at (916) 978-5550 or E-mail: kthompson@mp.usbr.gov.

SUPPLEMENTARY INFORMATION: Beginning in Fiscal Year 2001 and thereafter, Public Law 106-377, Section 203 required Reclamation to collect annually from CVP water contractors an assessment for TPUD. Section 203 states: "Beginning in fiscal year 2001 and thereafter, the Secretary of the Interior shall assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of \$540,000 (June 2000 price levels) and remit, without further appropriation, the amount collected annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70 percent by CVP Preference Power Customers and 30 percent by CVP Water Customers. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance rate setting practices. The CVP Power Contractor share of this assessment shall be assessed by reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power rate setting practices."

Prior to FY 2006, these funds had been collected as a component of the water rates through the water rate setting process. Further, the Mid-Pacific Region's system to account for water deliveries and resultant revenues remits revenue directly to the U.S. Treasury. While this is appropriate for water revenues, the system is not capable of collecting and accounting for the TPUD assessment separately from water revenue. Consequently, the Mid-Pacific Region is in the process of (1) developing a supplementary rate setting policy to collect the TPUD assessment separately from water revenue; (2) analyzing the extent of system changes, costs, and time required to account for TPUD assessment separately from water revenues; and (3) identifying and implementing preferred system changes.

As an interim measure, the Mid-Pacific Region will bill water contractors for the TPUD assessment. Billings will cover collections for Fiscal Years 2006 and 2007 and the TPUD surcharge will be eliminated from the published water rates for this time period.

John F. Davis,

Deputy Regional Director, Mid-Pacific Region.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the National Marine Sanctuaries Act

Notice is hereby given that on July 25, 2006, a proposed Partial Consent Decree with All Oceans Transportation, Inc., Italia Marittima S.p.A. (formerly Lloyd Triestino Di Navigazione), and Yang Ming Marine Transport Corporation, *in personam*; and against the M/V YM PROSPERITY (previously known as the M/V MED TAPEI), *in rem*, in *United States v. All Oceans Transportation, Inc., et al.*, No. 06-4519-JF (N.D. Cal.), was lodged with the United States District Court for the Northern District of California.

In this action, the United States seeks to recover from various defendants, pursuant to the National Marine Sanctuaries Act, 16 U.S.C. 1443(a)(1), response costs and damages resulting from destruction of or injury to natural resources caused by the loss of approximately fifteen shipping containers from the M/V YM Prosperity in the Monterey Bay Marine Sanctuary on or about February 26, 2004. Under the proposed Partial Consent Decree, defendants will pay \$3,250,000.00 to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. All Oceans Transportation, Inc., et al.*, (N.D. Cal.), DOJ Ref. No. 90-5-1-1-08681.

The Partial Consent Decree may be examined at the office of the Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, California. During the public comment period, the Partial Consent Decree may also be examined on the following Department

of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Partial Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to *United States v. All Oceans Transportation, Inc., et al.*, (N.D. Cal.), DOJ Ref. No. 90-5-1-1-08681, and enclose a check in the amount of \$10.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on July 21, 2006 a proposed consent decree in *United States v. American Iron Oxide Company and Magnetix International, Inc.*, Civil Action No. 2:06-cv-00251-WCL-APR was lodged with the United States District Court for the Northern District of Indiana.

In this action the United States sought civil penalties and injunctive relief for alleged violations of Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), more specifically the National Emission Standards for Hazardous Air Pollutants (NESHP) for steel pickling—HC1, at three steel pickling facilities: American Iron Oxide's facilities in Portage, Indiana, and Grandview, Indiana, and Magnetix International, Inc.'s facility in Burns Harbor, Indiana. The proposed Consent Decree requires the Defendants to: (a) Pay a total civil penalty of \$100,000; (b) undertake two community-based Supplemental Environmental Projects; (c) make process and equipment modifications at the three facilities; (d) conduct stack tests to demonstrate compliance with the NESHP at the Portage and Magnetic Facilities, with AMROX using a stack test to determine if the Rockport Facility is subject to the NESHP; and (e) comply with all of the requirements of the NESHP at the Portage and Magnetix Facilities, as well as at the