

Indian Tribal Governments” (65 FR 67249, November 6, 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 proposed rule does not have tribal implications, as specified in Executive Order 13175. Today’s rule does not uniquely affect the communities of American Indian tribal governments since the motor vehicle requirements for private businesses in today’s rule would have national applicability. Furthermore, today’s rule does not impose any direct compliance costs on these communities and no circumstances specific to such communities exist that would cause an impact on these communities beyond those discussed in the other sections of today’s document. Thus, Executive Order 13175 does not apply to this rule.

*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 Executive Order 12866; and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Executive Order directs us to 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 us.

This rule is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this rule does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

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

This 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 Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), section 12(d) of Public Law 104–113, directs us to use voluntary consensus standards in our regulatory activities unless it 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) developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

This rule references technical standards adopted by us through previous rulemakings. No new technical standards are established in today’s rule. The standards referenced in today’s rule involve the measurement of gasoline fuel parameters and motor vehicle emissions.

**III. Statutory Provisions and Legal Authority**

Statutory authority for today’s proposed rule is found in the Clean Air Act, 42 U.S.C. 7401 *et seq.*, in particular, section 202 of the Act, 42 U.S.C. 7521. This rule is being promulgated under the administrative and procedural provisions of Clean Air Act section 307(d), 42 U.S.C. 7607(d).

**List of Subjects in 40 CFR Part 86**

Environmental protection, Administrative practice and procedure, Motor vehicle pollution.

Dated: March 21, 2006.

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

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Notice of Availability of Genetics Data and Extension of Comment Period for the Proposed Delisting of the Preble’s Meadow Jumping Mouse (*Zapus hudsonius preblei*)**

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

**ACTION:** Notice of availability; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of two recently published reports and the underlying data which present additional analysis data regarding the Preble’s meadow jumping mouse (*Zapus hudsonius preblei*). In order to ensure the public has full access to and an opportunity to comment on all available information on the proposed rule to delist the Preble’s meadow jumping mouse, we are extending the public comment period until May 18, 2006. Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final decision and rule.

**DATES:** The public comment period that was reopened until April 18, 2006 (71 FR 8556) is extended until May 18, 2006. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

**ADDRESSES:** Documents and data relative to this proposed rule are available at <http://mountain-prairie.fws.gov/preble/> or <http://mountain-prairie.fws.gov/preble/PEER/PEERindex.htm>. If you wish to comment, you may submit your comments and materials concerning the proposal by one of several methods:

1. You may submit written comments to Field Supervisor, Colorado Field Office, Ecological Services, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

2. You may hand deliver comments to our Colorado Field Office at 134 Union Blvd., Suite 670, Lake Plaza North, Lakewood, Colorado 80228, or send via facsimile (fax 303–236–4005).

3. You may send comments via electronic mail (e-mail) to [FW6\\_PMJM@fws.gov](mailto:FW6_PMJM@fws.gov). See the Public Comments Solicited section below for file format and other information about electronic filing.

The complete file for the finding and proposed rule is available for inspection, by appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Susan Linner, Field Supervisor, at the Colorado Field Office (see **ADDRESSES** section) or telephone (303) 236–4774. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:****Public Comments Solicited**

We intend that any final action resulting from the proposed rule will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, or any other interested party concerning the proposed rule in light of the additional information. Generally, we seek information, data, and comments concerning:

(1) The taxonomic status of *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies with a particular focus on Ramey et al. (2003, 2004a, 2004b, 2005), King et al. (2006), and the recently released genetics data;

(2) The taxonomy, biology, ecology, distribution, status, and factors affecting *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies;

(3) Data from any systematic surveys for *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies, as well as any studies that may show population size or trends;

(4) Quantitative information regarding the life history, ecology, and habitat use of *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies, as well as information regarding the applicability of information relevant to other subspecies;

(5) Information on the threats faced by the *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies in relation to the five listing factors (as defined in section 4(a)(1) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*));

(6) Information regarding the effects of current land management on population distribution and abundance of *Z.h. preblei*, *Z.h. campestris*, *Z.h. intermedius*, and other *Z. hudsonius* subspecies; and

(7) Information regarding the possibility of contact and interaction within or between *Z.h. preblei*, *Z.h. campestris*, and adjacent subspecies of meadow jumping mouse (i.e., *Z.h. intermedius* and *Z.h. pallidus*) or other information relevant to a determination of the taxonomic classification of the species.

You may submit comments as indicated under **ADDRESSES**. If you wish to submit comments by e-mail, please avoid the use of special characters and any form of encryption. Please also include your name and return address in your e-mail message.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Due to the high level of interest in this rulemaking process, we also may post comments on our Web site. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and other information received, as well as supporting information used to write the proposed rule, will be available for public inspection, by appointment, during normal business hours at the Colorado Field Office (see **ADDRESSES** section). In making a final decision on the proposal, we will take into consideration the comments and any additional information we receive. Such communications may lead to a final regulation that differs from the proposal.

**Background**

The Preble's meadow jumping mouse (*Zapus hudsonius preblei*) was listed as a threatened species on May 13, 1998 (63 FR 26517). At the time of listing, we recognized Krutzsch (1954) as the "most recent revision of *Z. hudsonius*" and "the authority for (the 'subspecies') taxonomy" (63 FR 26517, May 13, 1998). In our February 2, 2005, **Federal Register** document (70 FR 5404), we determined that Ramey et al. (2004a) represented the best scientific and commercial information available regarding the taxonomy of *Z.h. preblei* and *Z.h. campestris*. Based on the lack of distinct genetic and morphologic differences between the two subspecies presented in Ramey et al. (2004a), we concluded that *Z.h. preblei* was likely not a valid subspecies and proposed removing the subspecies from the list of threatened and endangered species.

Since then, substantial additional information has become available including two recently available reports: "Comprehensive analysis of molecular phylogeographic structure among meadow jumping mice (*Zapus*

*hudsonius*) reveals evolutionarily distinct subspecies" (King et al. 2006) and "Genetic relatedness of the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) to nearby subspecies of *Z. hudsonius* as inferred from variation in cranial morphology, mitochondrial DNA, and microsatellite DNA: Implications for taxonomy and conservation" (Ramey et al. 2005). The Service intends to fully consider all of the available information in any delisting decision based on taxonomy.

In order to ensure all relevant information is considered, we have recently made available on our Web site (<http://mountain-prairie.fws.gov/preble/PEER/PEERindex.htm>) all of the morphological, mtDNA and microsatellite nuclear DNA data from Ramey et al. (2005) and King et al. (2006). We are extending the public comment period on the delisting proposal to allow the public to consider and comment on the above data.

**Authority**

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 20, 2006.

**H. Dale Hall,**

Director, U.S. Fish and Wildlife Service.

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No.060314069-6069-01; I.D. 030306B]

**RIN 0648-AT25**

**Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 18**

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

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

**SUMMARY:** NMFS proposes regulations to implement Framework Adjustment 18 (Framework 18) to the Atlantic Sea Scallop Fishery Management Plan (FMP) which was developed by the New England Fishery Management Council (Council). Framework 18 proposes the following management measures: Scallop fishery specifications for 2006 and 2007 (open area days-at-sea (DAS)