

may adopt a different life history strategy when faced with changing environmental conditions. However, because we currently have very little information addressing the life history and behavioral patterns of other burbot populations throughout the nearctic region, and specifically the relative importance of the adfluvial life history strategy, we do not know if these behaviors are unique to the species as a whole.

On the basis of available information, we determined that the life history and behavioral characteristics of lower Kootenai River burbot do make it discrete from other burbot populations in the local area, but, pursuant to our DPS policy, do not make it significant to the remainder of the taxon, as we have little information to indicate these characteristics are unique to the rest of the taxon.

Consequently, following a review of the available information, we conclude that the population segment of lower Kootenai River burbot is not significant to the remainder of the taxon. We made this determination because there is no evidence that: (1) This population segment persists in an ecological setting that is unique for the taxon; (2) the loss would result in a significant gap in the range of the taxon; or (3) this population segment differs markedly from other populations of the species in its genetic characteristics. Further, we do not have sufficient information to indicate that the life history and behavioral characteristics of this population segment are unique to the taxon. Furthermore, we acknowledge that, while the precise biological and ecological importance of a discrete population segment is likely to vary considerably from case to case, we were unable to identify any additional classes of information that might bear on the biological and ecological importance of this discrete population segment.

#### Finding

We have assessed the best scientific and commercial information available regarding the discreteness and significance of lower Kootenai River burbot. We reviewed the petition, information available in our files, and other published and unpublished information submitted to us during the public comment period following our 90-day petition finding, and we consulted with recognized burbot experts and other Federal and State resource agencies. On the basis of the best scientific and commercial information available, we conclude that the lower Kootenai River burbot does not represent a DPS, and is therefore not

a listable entity. Our review did indicate that the lower Kootenai River burbot is discrete from other burbot populations, but was not significant to the remainder of the taxon. This finding is primarily based on a lack of sufficient evidence to demonstrate that lower Kootenai River burbot have marked genetic, ecological, or behavioral differences when compared with the remainder of the nearctic subspecies. As such, we find that the petitioned action is not warranted.

#### References Cited

A complete list of all references cited herein is available on request from the Upper Columbia Fish and Wildlife Office (*see ADDRESSES*).

#### Author

The primary author of this document is Scott Deeds (*see ADDRESSES*).

#### Authority

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

Dated: March 3, 2003.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 03-5737 Filed 3-10-03; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Baca National Wildlife Refuge

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** The Director intends to accept the transfer of 3,315 acres of land from the Bureau of Reclamation on April 8, 2003, to establish the Baca National Wildlife Refuge in Alamosa County, Colorado.

**DATES:** This action will be effective on April 8, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Michael Blenden, Project Leader, Alamosa/Monte Vista National Wildlife Refuge Complex, 9383 El Rancho Lane, Alamosa, Colorado 81101; telephone: 719/589-4021, fax: 719/587-0595, e-mail: [mike\\_blenden@fws.gov](mailto:mike_blenden@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Director of the U.S. Fish and Wildlife Service has determined that sufficient land is available to establish the Baca National Wildlife Refuge. The Refuge will be administered in accordance with the National Wildlife Refuge Administration Act of 1966 and the Act of September 28, 1962 commonly

known as the Refuge Recreation Act. The establishment of the Refuge will protect water resources; protect and maintain water rights for the protection of monument, park, preserve, and refuge resources and uses; and minimize, to the extent consistent with the protection of national wildlife resources, adverse impacts on other water users.

**Authority:** This notice is published under the authority of the Great Sand Dunes National Park and Preserve Act of 2000, Pub. L. 106-530, and the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C., 668dd-668ee).

Dated: February 21, 2003.

John A. Blankenship,

Regional Director, Region 6, Denver, Colorado.

[FR Doc. 03-5701 Filed 3-10-03; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-433 (Preliminary) and 731-TA-1029 (Preliminary)]

### Allura Red Coloring From India

**AGENCY:** International Trade Commission.

**ACTION:** Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty and antidumping duty investigations Nos. 701-TA-433 (Preliminary) and 731-TA-1029 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of allura red coloring, provided for in subheading 3204.12.50 of the Harmonized Tariff Schedule of the United States,<sup>1</sup> that are alleged to be subsidized by the Government of India and that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 19 U.S.C.

<sup>1</sup> The subject product is described for tariff purposes as FD&C Red No. 40.

1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by April 18, 2003. The Commission's views are due at Commerce within five business days thereafter, or by April 25, 2003.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**EFFECTIVE DATE:** March 4, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Woodley Timberlake (202-205-3188), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can 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. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—These investigations are being instituted in response to a petition filed on March 4, 2003, by Sensient Technologies Corporation, Milwaukee, WI.

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to

section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on March 25, 2003, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202-205-3188) not later than March 20, 2003, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions.**—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 28, 2003, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: March 5, 2003.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-5759 Filed 3-10-03; 8:45 am]

**BILLING CODE 7020-02-P**

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on February 13, 2003, four proposed Consent Decrees in *United States v. Samson Hydrocarbons Company, et al.* Civil No. 03-1078 DDP (VBKx), were lodged with the United States District Court for the Central District of California.

In this action the United States seeks the recovery of response costs incurred at the Casmalia Resources Hazardous Waste Management Facility ("Site") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* The United States alleges that the defendants disposed or arranged to dispose of hazardous substances at the Site. The first Consent Decree (the "Samson Hydrocarbons Consent Decree") involves 41 private parties and four Federal agencies, and requires these parties to pay \$28,553,979. The second Consent Decree (the "Baumgartner Consent Decree") involves Baumgartner Oil and Gas Company, Baumgartner Oil Company, and Franklin W. Barmgartner and requires these parties to pay \$2,309,085. The third Consent Decree (the "Crosby Consent Decree") involves Crosby & Overton, Inc. and requires this party to pay \$590,975. The fourth Consent Decree involves Quintana Petroleum Company (the "Quintana Consent Decree") and requires this party to pay \$480,633. The total value of these settlements is in excess of \$31 million.

The Department of Justice will receive, for a period of sixty (60) days from the date of this publication, comments relating to the 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 specifically and individually to the