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**SUPPLEMENTARY INFORMATION:** The purpose of Reclamation's proposed federal action is to allow the NMISC to use Carlsbad Project water (Project water) for purposes other than irrigation, specifically for delivery to Texas. As a member of CID, the NMISC needs to use Project water for purposes other than irrigation to maintain long-term compliance with the Pecos River Compact and the United States Supreme Court Amended Decree in *Texas v. New Mexico*. Project water is available for lease to the NMISC under a Contingent Water Contract where: (1) Willing lessors temporarily forego irrigation of their lands in an irrigation season (fallowed land water) or (2) allotted water is not delivered to farms by October 31 of a given year (undelivered allotment water). The long-term miscellaneous purposes contract would replace a 1999 short-term contract that Reclamation currently has with the CID that allows the NMISC to use Project water for miscellaneous purposes.

Between 1987 and the present, New Mexico has satisfied its water delivery obligations to Texas under the Pecos River Compact (Compact) and Amended Decree. In some years, New Mexico has over-delivered water to the state line and in other years it has under-delivered. New Mexico has been able to satisfy its Compact obligations in large part because of its leasing program and the fallowing of irrigated land within CID. The leasing program within CID has operated under an existing short-term miscellaneous purposes contract since 1992, which allows irrigation water to be delivered to the state line on behalf of the NMISC.

The State of New Mexico *ex rel.* the State Engineer, NMISC, Reclamation, CID, and the Pecos Valley Artesian Conservancy District entered into a Settlement Agreement on March 25, 2003, that resolves litigation, implements a plan to ensure delivery of water to the CID and New Mexico-Texas state line, and settles many water management issues on the Pecos River. An ad hoc committee comprised of water users in the Pecos River Basin was formed to develop a solution for long-term compliance with the Pecos River Compact and Amended Decree, resulting in the Settlement Agreement. In addition, the implementation of the Settlement Agreement is contingent upon fulfilling certain requirements,

including the execution of a long-term miscellaneous purposes contract.

On February 28, 2003, Reclamation published a notice in the **Federal Register** stating plans to execute a contract with the CID that would allow the NMISC to use water allotted for up to 6,000 acres, or other available Project water, for purposes other than irrigation. These 6,000 acres, plus 164 acres that the NMISC currently owns within the boundaries of the CID, would be fallowed under this contract. Execution of this contract would not preclude future use of the water for irrigation purposes on lands owned by the NMISC. The Commissioner of Reclamation has granted approval to negotiate and execute a long-term miscellaneous purposes contract, pursuant to authority provided by the Sale of Water for Miscellaneous Purposes Act of February 25, 1920, whereby the NMISC would be limited to using or leasing a maximum of 50,000 acre-feet of Project water per year.

The two alternatives analyzed in the draft EIS are the Proposed Action Alternative which is the execution of a long-term miscellaneous purposes contract and approval of any related third-party contracts, and the No Action Alternative. The draft EIS assesses the potential effects that the two alternatives may have on biological, hydrologic, and cultural resources; social and economic settings; and Indian trust assets as well as any potential disproportionate effects on minority or low-income communities (environmental justice). The draft EIS also evaluates the effects of the alternatives on the State of New Mexico's ability to meet annual state line delivery obligations associated with the Pecos River Compact and Amended Decree.

After the 60-day waiting period, Reclamation will complete a final environmental impact statement (FEIS). Responses to comments received from organizations and individuals on the DEIS will be addressed in the FEIS.

#### Public Disclosure

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your

comment. 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 disclosure in their entirety.

Dated: November 7, 2005.

**Darryl Beckmann,**

*Deputy Regional Director—UC Region,  
Bureau of Reclamation.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-309-A and B  
and 731-TA-696 (Second Review)]

### Pure and Alloy Magnesium From Canada and Pure Magnesium From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of full five-year reviews concerning the countervailing duty orders on pure and alloy magnesium from Canada and the antidumping duty order on pure magnesium from China.

**SUMMARY:** The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty orders on pure and alloy magnesium from Canada and revocation of the antidumping duty order on pure magnesium from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. With respect to Investigations Nos. 701-TA-309-A and B, the Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews 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, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* January 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Fred Fischer (202-205-3179 or [fred.fischer@usitc.gov](mailto:fred.fischer@usitc.gov)), 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 reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

*Background.* On October 4, 2005, the Commission determined that responses to its notice of institution of the five-year reviews concerning pure and alloy magnesium from Canada were such that full reviews pursuant to section 751(c)(5) of the Act should proceed notwithstanding its finding that the respondent interested party group response to its notice of institution was inadequate (70 FR 60108, October 14, 2005).<sup>1</sup> On December 5, 2005, the Commission determined that circumstances warranted conducting a full review of the order concerning pure magnesium from China, pursuant to section 751(c)(5) of the Act, notwithstanding its finding that the respondent interested party group response to its notice of institution was inadequate (70 F.R. 75483, December 20, 2005).<sup>2</sup> A record of the Commissioners' votes, the Commission's statements on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

*Participation in the reviews and public service lists.* Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notices of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain public service lists containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

*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 reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notices of institution of the reviews need not reapply for such access. Separate service lists will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

*Staff report.* The prehearing staff report in the reviews will be placed in the nonpublic record on March 31, 2006, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

*Hearing.* The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on April 25, 2006, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 18, 2006. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held (if necessary) at 9:30 a.m. on April 20, 2006, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

*Written submissions.* Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is April 11, 2006. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is May 4, 2006; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the

reviews may submit a written statement of information pertinent to the subject of the reviews on or before May 4, 2006. On May 26, 2006, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 31, 2006, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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 section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (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 reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 5, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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<sup>1</sup> Commissioner Jennifer A. Hillman dissenting.

<sup>2</sup> Chairman Stephen Koplan and Commissioner Jennifer A. Hillman dissenting.