

Dated: February 14, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2005-21610]

#### Nontank Vessel Response Plan Guidance

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Coast Guard announces the availability of a document that provides revised interim guidelines for the development and review of plans for responding to a discharge, or threat of a discharge, of oil from nontank vessels. The document, in the form of a change to Navigation and Vessel Inspection Circular No. 01-05, is available as indicated in this notice. Federal law requires that these response plans be prepared and submitted to the Coast Guard.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on the change to Navigation and Vessel Inspection Circular No. 01-05, call Lieutenant Commander Rob Smith or Lieutenant Eric Bauer, Office of Vessel Activities at telephone 202-267-6714. If you have questions on viewing material in the docket, call Ms. Renee K. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 9, 2004, the President signed the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108-293) (2004 Act). Section 701 of the 2004 Act amends section 311(a) and (j) of the Federal Water Pollution Control Act to require the preparation and submission of oil response plans for nontank vessels. The 2004 Act defines "nontank vessel" as a self-propelled vessel of 400 gross tons or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that is a vessel of the United States or operates on the navigable waters of the United States. Under the 2004 Act, response plans must have been submitted to the Coast Guard by August 8, 2005.

The 2004 Act requires the Coast Guard to issue response plan

regulations. However, to assist industry in meeting the August 8, 2005, deadline, the Coast Guard announced the availability of a Navigation and Vessel Inspection Circular (NVIC) in the **Federal Register** on February 16, 2005, (70 FR 7955) for use in the preparation and submission of response plans until regulations are in effect. As there are already certain provisions in the existing statute that these response plans must meet, the NVIC identifies those requirements, as well as the Coast Guard's recommendations. *Change 1 to NVIC 01-05, Interim Guidance for the Development and Review of Response Plans for Nontank Vessels* provides additional guidance for nontank vessels preparing and submitting response plans.

#### Access to the NVIC

A copy of Change 1 to NVIC 01-05 can be found in the docket at <http://dms.dot.gov/> [USCG-2005-21610] and at <http://www.uscg.mil/hq/g-m/nvic/>. For those Individuals without Internet access, a copy of Change 1 to NVIC 01-05 may be obtained by contacting the VRP Program staff at 202-267-6714 or your local U.S. Coast Guard Sector Command.

Dated: February 15, 2006.

**Howard L. Hime,**

*Acting Director of Standards Prevention.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of an Application for Renewal of an Incidental Take Permit for the Bald Eagle From the Proposed Construction and Occupancy of Residences in Gaston County, NC

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

**ACTION:** Notice.

**SUMMARY:** Pinsto, Inc. (Permittee) has applied for renewal of an incidental take permit (ITP) from the Fish and Wildlife Service (Service) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). Like the existing permit, the proposed renewed ITP would allow take of the bald eagle (*Haliaeetus leucocephalus*), a federally listed threatened species, incidental to residential development. Destruction of the nest or the tree in which the nest is located is not requested by the Permittee. Rather, the proposed incidental take may occur as a result of harm or harassment to the eagles

resulting from residential construction activities in the vicinity of the nest. The Service announces availability of the ITP application and the habitat conservation plan (HCP) for public comment.

**DATES:** The Service must receive written comments on or before March 27, 2006.

**ADDRESSES:** Persons wishing to review the permit renewal application and HCP may obtain an electronic copy by contacting the Service's Southeast Regional Office, Atlanta, Georgia, at the address below. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the Asheville Ecological Services Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801. Written data or comments concerning the permit renewal or HCP should be submitted to the Regional Office (Atlanta).

**FOR FURTHER INFORMATION CONTACT:** Mr. Aaron Valenta, Regional HCP Coordinator (see **ADDRESSES**), telephone: 404/679-4144, e-mail address: [aaron\\_valenta@fws.gov](mailto:aaron_valenta@fws.gov), or Mr. Mark Cantrell, Fish and Wildlife Service Biologist, Asheville Field Office (see **ADDRESSES** above), telephone: 828/258-3939 (extension 227).

**SUPPLEMENTARY INFORMATION:** This would be a 10 year renewal of Permit TE-039993-0 for residential construction which was approved and issued by the Service on May 21, 2001. As residential development continues within the permit area, the incidental taking of bald eagle incidental to earth moving, land clearing, and subsequent human habitation of the permit area may occur, necessitating the need for renewal of the ITP. The renewal request covers the same activities covered by the HCP and existing permit. There will not be an increase in the level of take beyond that anticipated in the original permit.

The previously prepared Habitat Conservation Plan (HCP) specifies the impacts that are likely to result from the taking and the measures the Permittee would undertake to minimize and mitigate such impacts. The existing HCP satisfies all statutory issuance criteria; therefore, it is applicable to the renewal of this ITP.

Copies of the HCP and ITP application may be obtained by making a request, in writing, to the Regional Office (see **ADDRESSES**). This notice is provided pursuant to section 10 of the ESA and National Environmental Policy Act (NEPA) regulations at 40 CFR