

(s) Gaming machines.

(1) Except as otherwise provided in paragraphs (s)(2) and (s)(3) of this section, gaming machines offering a payout of more than \$250,000 shall be monitored and recorded by a dedicated camera(s) to provide coverage of:

\* \* \* \* \*

(4) Notwithstanding paragraph (s)(1) of this section, if the gaming machine is a multi-game machine, the Tribal gaming regulatory authority, or the gaming operation subject to the approval of the Tribal gaming regulatory authority, may develop and implement alternative procedures to verify payouts.

\* \* \* \* \*

Signed in Washington, DC, this 1st day of November, 2005.

**Philip N. Hogen,**  
Chairman.

**Nelson Westrin,**  
Vice Chairman.

**Cloyce Choney,**  
Commissioner.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 52

[FRL-7997-4]

RIN 2060-AK74

#### Public Hearing and Extension of Public Comment Period for Proposed Rule To Implement the Fine Particle National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Announcement of public hearing and extension of public comment period.

**SUMMARY:** The EPA is announcing that a public hearing for the proposed rule to implement the fine particle national ambient air quality standards (NAAQS) will be held on November 30, 2005 in Washington, DC. The proposed rule was published in the **Federal Register** on November 1, 2005 (70 FR 65984) and is also available at <http://www.epa.gov/pmdesignations>. The hearing will be at the Capitol Hilton Hotel in Washington, DC and will begin at 9 a.m. The EPA is also extending the public comment period for this proposed rule to January 31, 2006.

**DATES:** The public hearing will be held on November 30, 2005. The public comment period for this proposed rule is extended to January 31, 2006. Please

refer to **SUPPLEMENTARY INFORMATION** for additional information on the hearing.

**ADDRESSES:** The public hearing will be held at the Capitol Hilton Hotel, located at 1001 16th Street, NW., Washington, DC 20036, phone 202-393-1000. (The hotel is within walking distance of three Metro stations: The Farragut North, Farragut West, and McPherson Square stations.) Written comments on the proposed rule may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposal for the addresses and detailed instructions. Documents relevant to this action are available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW., Room B102, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through EPA's electronic Docket system at <http://www.epa.gov/edocket>. The EPA Web site for the rulemaking is <http://www.epa.gov/pmdesignations>.

**FOR FURTHER INFORMATION CONTACT:** If you would like to speak at the public hearing or have questions concerning the public hearing, please contact Joann Allman of EPA (see contact information under **SUPPLEMENTARY INFORMATION**). Questions concerning PM<sub>2.5</sub> implementation issues should be addressed to Richard Damberg, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Code C504-02, Research Triangle Park, NC 27711, phone number (919) 541-5592 or by e-mail at: [damberg.rich@epa.gov](mailto:damberg.rich@epa.gov). Questions concerning the new source review program revisions to address the PM<sub>2.5</sub> standards should be addressed to Raj Rao, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Code C339-03, Research Triangle Park, NC 27711, phone number (919) 541-5344 or by e-mail at: [rao.raj@epa.gov](mailto:rao.raj@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Public Hearing.* The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rule. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be postmarked by January 31, 2006.

If you would like to present oral testimony at the hearing, please notify Joann Allman of the U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C539-02, Research Triangle Park, NC 27711, telephone (919) 541-1815, e-mail [allman.joann@epa.gov](mailto:allman.joann@epa.gov), by 12 p.m. Eastern time on November 28, 2005. She will provide you with a specific time to provide your comments. Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide EPA with a copy of their oral testimony electronically (via e-mail, computer disk, or CD) or in hard copy form.

The public hearing will begin at 9 a.m. and continue until 5 p.m., if necessary, depending on the number of speakers. The EPA may end the hearing early (no earlier than 2 p.m.) if all registered speakers have had an opportunity to speak. Persons wishing to present oral testimony that have not made arrangements in advance can register by 2 p.m. on the day of the hearing. We will provide equipment for commenters to show overhead slides or make computerized slide presentations if we receive special requests in advance. Commenters should notify Joann Allman if they will need specific equipment. The hearing schedule, including lists of speakers, will be posted on EPA's Web site: <http://www.epa.gov/pmdesignations>. Verbatim transcripts of the hearings and written statements will be included in the rulemaking docket.

*Extension of public comment period.* The proposed rule was signed by the Administrator on September 8, 2005 and published in the **Federal Register** on November 1, 2005. Since the 60-day public comment period would have concluded on December 31, 2005, EPA has decided to extend the comment period until January 31, 2006 in order to avoid the December holiday period and allow interested parties to have additional time to prepare their comments.

#### How Can I Get Copies of This Document and Other Related Information?

The EPA has established the official public docket for the Rule to Implement the Fine Particle National Ambient Air Quality Standards under Docket ID No. OAR-2003-0062. Also, the proposed rule was published in the **Federal Register** on November 1, 2005 and is available at <http://www.epa.gov/pmdesignations>.

Dated: November 9, 2005.

**Mary E. Henigin,**

*Acting Director, Office of Air Quality Planning and Standards.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Uinta Mountainsnail as Endangered

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Uinta mountainsnail (*Oreohelix eurekensis uinta*) as endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition does not present substantial scientific or commercial information indicating that listing *O. e. uinta* may be warranted. This finding is based on our determination that there is insufficient evidence to indicate that *O. e. uinta* is a valid subspecies, and, therefore, cannot be considered a listable entity pursuant to section 3(15) of the Act. Therefore, we will not initiate a status review in response to this petition. However, the public may submit to us new information concerning the status of or threats to *O. e. uinta* at any time.

**DATES:** The finding announced in this document was made on November 7, 2005.

**ADDRESSES:** The complete file for this finding is available for public inspection, by appointment, during normal business hours at the Utah Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2369 West Orton Circle, Suite 50, West Valley City, Utah 84119. Submit new information, materials, comments, or questions concerning the status of or threats to this taxon to us at the above address.

**FOR FURTHER INFORMATION CONTACT:** Henry Maddux, Field Supervisor, Utah Fish and Wildlife Office (see **ADDRESSES**) (telephone 801-975-3330; facsimile 801-975-3331).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16

U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition and other information that is readily available to us (*e.g.*, in our files). To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition, and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species, if one has not already been initiated under our internal candidate assessment process.

In making this finding, we relied on information provided by the petitioners and evaluated that information in accordance with 50 CFR 424.14(b). We also reviewed additional, readily available information pertinent to *O. e. uinta* to clarify certain points raised in the petition. We did not conduct additional research or subject the petition to rigorous critical review. Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and section 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the "substantial information" threshold.

On August 29, 2001, we received a formal petition from the Utah Environmental Congress (UEC) to list *O. e. uinta* as an endangered species pursuant to section 4 of the Act. Although *O. e. uinta* was once thought extinct, a small number had been found in the Ashley National Forest, Uinta County, Utah, in 1998. The August 21, 2001, petition was based largely on this discovery. The petition cited threats from grazing, prescribed fire, logging, and sedimentation from U.S. Forest Service (USFS) road-building operations. The petition also requested that critical habitat be designated simultaneously with the listing of *O. e. uinta* as endangered.

In letters dated September 17 and October 3, 2001, we denied emergency listing because of measures taken by the Ashley National Forest to protect the population. On July 13, 2004, we received a 60-day notice of intent to sue

from UEC and other groups. On January 25, 2005, we received a complaint regarding our failure to make the 90-day and 12-month findings. In light of these legal actions, we discussed various options with the plaintiffs and tentatively agreed to submit a completed 90-day finding to the **Federal Register** by November 7, 2005.

#### Species Information

*Oreohelix eurekensis uinta* is in the genus *Oreohelix*, commonly called the "Mountain Snail." This genus of land snails is endemic to western North America, with distributions ranging from southwestern Canada, including southern Saskatchewan and British Columbia, to western Chihuahua in northern Mexico (Pilsbry 1939). In terms of the biogeographical distribution of land snails, North America is generally split into Eastern and Western American "Divisions" (Pilsbry 1939), while each division is further divided into land snail provinces (Frest 2002). The biogeographical distribution of *Oreohelix* includes the Rocky Mountain, Washingtonian, and Southwestern Provinces of the Western Division of North America (Frest 2002).

Factors determining habitat preferences of land snails include cover, effective moisture availability, and geologic history (Frest 2002). Most land snail species are calciphiles, meaning they are usually restricted to limestone, dolomite, or other substrates containing high levels of the element calcium (Frest 2002). Moist soil conditions are favored and soil pH may be a factor in determining suitable habitat (Frest 2002). Desiccation is the primary factor in mortality (Frest 2002). Moist forests, slope bases, north slopes, springs and seeps, edges of floodplains, and rock talus (a sloping mass of loose rock debris at the base of a cliff) are areas of land snail concentration (Frest 2002). Areas with vegetation or other forms of cover (*e.g.*, rock overhangs and caves) that provide shade also are usually preferred by land snails; abundant downed woody debris is also important (Frest 2002).

Western land snails are typically herbivores, but some may consume animal matter. Land snails contribute substantially to nutrient recycling, breaking down plant detritus and animal waste (Frest 2002). They are preyed upon extensively by small mammals, reptiles, amphibians, birds, and insects (Frest 2002).

Land snails are "exceptional indicators" of ecosystem health (Frest 2002). They are present in many environments, have specialized habitat needs, and are essentially sessile