

(fishing, hunting, wildlife observation, wildlife photography, environmental education, and interpretation) would continue at present levels.

Alternative B is the Service's proposed action and basis for the draft CCP. This alternative would prioritize habitats with high probability of restoration for management. Other habitats may only be partially restored or minimally managed. Research and monitoring would increase, and scientific knowledge required to restore upland and wetland plant and animal communities would be shared (with the public and other resource managers). Some visitor services would be expected to decrease as some staff and funding shift to habitat restoration. Environmental education would increase.

In Alternative C, waterfowl habitat management and waterfowl production would be emphasized over other refuge programs. Research and monitoring would focus on actions that enhance waterfowl habitat, increase waterfowl nest densities, and increase nest and brood survival. Visitor service programs that use or enhance waterfowl-related activities, such as hunting, wildlife viewing, or environmental education, would be emphasized over other activities.

Management under Alternative D would restore, to the fullest extent, ecological processes, vegetation communities, and wildlife characteristic of the presettlement period. Research and monitoring efforts would focus on strategies that enhance native plant and animal communities. Public uses that are compatible with or that support restoration efforts would be emphasized. Interpretation and environmental education would be expanded, with an emphasis on natural plant and animal communities, ecological processes, and restoration.

The proposed action (Alternative B) was selected because it best meets the purpose and goals of the Refuges, as well as the goals of the National Wildlife Refuge System. The proposed action will also benefit federally listed species, shore birds, migrating and nesting waterfowl, and neotropical migrants. Environmental education and partnerships will result in improved wildlife-dependent recreational opportunities. Cultural and historical resources as well as federally listed species will be protected.

Opportunity for public input will be provided at a public meeting to be scheduled soon. The specific date and time for the public meeting is yet to be determined, but will be announced via local media and a newsletter. All

information provided voluntarily by mail, by phone, or at public meetings (e.g., names, addresses, letters of comment, input recorded during meetings) becomes part of the official public record. If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*); NEPA Regulations (40 CFR parts 1500–1508); other appropriate Federal laws and regulations; Executive Order 12996; the National Wildlife Refuge System Improvement Act of 1997; and Service policies and procedures for compliance with those laws and regulations.

Dated: October 3, 2006.

**James J. Slack,**

*Deputy Regional Director, Region 6, Denver, CO.*

**Editorial Note:** This document was received at the Office of the Federal Register on January 30, 2007.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-029-1310-DS 050E]

#### **Notice of Availability of the Draft Supplement to the Statewide Oil and Gas Final Environmental Impact Statement and Amendment of the Powder River and Billings Resource Management Plans (RMPs), Montana**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** By Order of the U.S. District Court for the District of Montana, pursuant to the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969 (42 U.S.C. 4321), as amended, the Bureau of Land Management (BLM) has prepared a Draft Supplement to the Statewide Oil and Gas Final Environmental Impact Statement and will amend the Powder River and Billings RMPs (Draft SEIS/Amendment).

**DATES:** The 90-day public comment period will begin the date the Environmental Protection Agency (EPA) publishes their Notice of Availability in the **Federal Register**. Tentative public meetings to gather comments on the draft will be held in Montana at the

following locations: Billings, March 26, 2007; Hardin, March 27, 2007; Lame Deer, March 28, 2007; Broadus, March 29, 2007; and Miles City, March 30, 2007.

**ADDRESSES:** You may submit comments by any of the following methods (your name and mailing address must be submitted as part of your comments):

- *Web Site:* [http://www.blm.gov/eis/mt/milescity\\_seis/](http://www.blm.gov/eis/mt/milescity_seis/).

- *Fax:* (406) 233-2921.

- *Mail:* CBNG Draft SEIS Comments, Bureau of Land Management, P.O. Box 219, Miles City, Montana 59301 or deliver to 111 Garryowen Road, Miles City, Montana.

**FOR FURTHER INFORMATION CONTACT:**

Mary Bloom, Project Manager, BLM, (406) 233-2852.

**SUPPLEMENTARY INFORMATION:** The Powder River and Billings RMP areas comprise 1,506,011 acres of BLM managed surface and 5,009,784 acres of BLM managed mineral estate. There are 3,185,016 acres of BLM managed oil and gas. The Powder River RMP area includes Powder River and Treasure Counties; and portions of Big Horn, Carter, Custer, and Rosebud Counties. The Billings RMP area includes Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone Counties and the remaining portion of Big Horn County. This Draft SEIS is supplementing the 2003 *Statewide Oil and Gas Final Environmental Impact Statement and Amendment of the Powder River and Billings RMPs* (Statewide Document). The Notice of Availability was published in the **Federal Register** on January 17, 2003, and the Record of Decision was approved on April 30, 2003. Several lawsuits were filed against the BLM decision immediately following the publication of the Record of Decision. Two of the lawsuits resulted in an April 5, 2005, ruling by the U.S. District Court ordering the BLM to prepare a Supplemental EIS to consider a phased development alternative for coal bed natural gas (CBNG) production in the Billings and Powder River RMP areas of Montana. Topics addressed in the Draft SEIS/Amendment include those provided or recommended by the U.S. District Court: Phased CBNG development; the inclusion of the proposed Tongue River Railroad in the cumulative impact analysis; and a discussion on how private water well mitigation agreements help alleviate the impacts of methane migration and groundwater drawdown. The BLM published the Notice of Intent to plan for the SEIS/Amendment in the **Federal Register** on

August 5, 2005. A 30-day scoping period was held to help the BLM define "phased development" and to identify relevant issues that should be considered and analyzed in the Draft SEIS/Amendment. The Draft SEIS/Amendment has been prepared by an interdisciplinary team of specialists with expertise in archeology, air quality, economics, fisheries, geology, hydrology, minerals, paleontology, recreation, sociology, soils, vegetation and wildlife. Three new alternatives have been analyzed in the Draft SEIS/Amendment to consider phased development. Under Alternative F, the BLM would limit the number of federal applications for permit to drill (APD) approved each year cumulatively and in each fourth order watershed. The BLM would also limit the percentage of disturbance within identified crucial sagebrush habitat. Finally, the BLM would place a limit on the volume of untreated water discharged to surface waters from federal CBNG wells within each fourth order watershed. Under Alternative G, development of CBNG on federal leases in the Billings and Powder River RMP areas would be done following the same management actions as described under Alternative F. However, while BLM would limit the number of federal APDs approved each year cumulatively, development would be limited to a low range of predicted wells (6,470) from the Statewide Document Reasonably Foreseeable Development scenario. Alternative H, the BLM's preferred alternative, has three key components. First, a phased development approach would be implemented where CBNG proposals would be reviewed against four filters or screens to determine if the proposal needs to be modified. Second, this alternative would include extensive requirements that an operator must meet when submitting a Plan of Development (POD). Third, mitigation measures and subsequent modifications to existing operations via adaptive management would be considered and applied to each POD, as appropriate.

Comments and information submitted on the Draft SEIS/Amendment, including names, email addresses, and street addresses of respondents, will be available for public review and disclosure at the above address. The BLM will not accept anonymous comments. Individuals may request confidentiality. Individuals who wish to withhold their names or addresses from public review or from disclosure under the Freedom of Information Act must state this prominently at the beginning of their written comments. Such

requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**Donald S. Smurthwaite,**

*Acting State Director.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Sunil Bhasin, M.D.; Revocation of Registration**

On August 4, 2005, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Sunil Bhasin, M.D. (Respondent), of San Bernardino, CA. The Show Cause Order proposed to revoke Respondent's Certificate of Registration, BB2195116, as a practitioner, on the ground that Respondent had surrendered his California medical license, and was therefore without authority to handle controlled substances in the state where he practiced medicine. Show Cause Order at 1. The Show Cause Order further notified Respondent of his right to a hearing. *Id.* at 2.

The Show Cause Order was served by certified mail, return receipt requested. On September 2, 2005, Respondent acknowledged receipt of the Show Cause Order as demonstrated by the signed return receipt card which is contained in the investigative file.

In a letter dated September 5, 2005, Respondent wrote the Deputy Assistant Administrator asserting that he had rejected the Medical Board of California's settlement stipulation. Respondent further asserted that the stipulation was illegal because its terms were illusory, fraudulent and unconscionable and that he was litigating these issues in federal district court.

On September 26, 2005, the Government filed a request with the Office of Administrative Law Judges to docket the matter for a hearing. While the Government noted that Respondent "did not specifically request a hearing," it expressed the view that the case required an on-the-record "factual determination of the licensing issue" before the case was transmitted to me for final agency action. Govt. Req. to Docket Matter for Hearing at 1.

Simultaneously, the Government moved for summary disposition. The basis of the Government's motion was that a Diversion Investigator (DI) would testify that she had received documents from the Medical Board of California (MBC) which showed that Respondent had surrendered his state license on September 27, 2004, that the MBC had adopted the surrender stipulation on December 6, 2004, and that the MBC Web site indicated that Respondent's license had been surrendered. *Id.* at 1-2. Attached to the motion were documents supporting each of the Government's contentions.

The matter was assigned Administrative Law Judge (ALJ) Mary Ellen Bittner. On October 7, 2005, the ALJ issued a Memorandum to Parties (Memo 1). In Memo 1, the ALJ offered Respondent the opportunity to respond to the Government's request to docket the matter for hearing no later than October 31, 2005. Memo 1, at 2.

A copy of Memo 1 was sent to Respondent by certified mail. The mailing, however, was returned unclaimed. Thereafter, the ALJ issued a new Memorandum to Parties which offered Respondent the opportunity to respond to the Government's request by December 19, 2005. Memorandum to Parties 1 (Nov. 28, 2005) (Memo 2). The ALJ further directed that Memo 2 be sent to Respondent by both registered mail with restricted delivery and first class mail. See *id.* Again, Respondent did not respond. See Memorandum to Parties 2 (Mar. 24, 2006) (Memo 3).

Thereafter, on January 19, 2006, the Government moved to terminate the proceedings. Motion to Terminate Proceedings 1. The Government also requested that the ALJ find that Respondent had waived his right to a hearing. *Id.*

On March 24, 2006, the ALJ issued a further Memorandum to Parties (Memo 3). In Memo 3, the ALJ offered Respondent the opportunity to respond to the Government's motion to terminate by April 13, 2006. Memo 3, at 2. When once again, Respondent failed to respond, the ALJ granted the Government's motion and ordered that the proceedings be terminated. See Order Terminating Proceedings 2. In her order, the ALJ also found that Respondent had failed to request a hearing and had waived his right to a hearing. See *id.*

The investigative file was then forwarded to me for final agency action. I adopt the ALJ's finding that Respondent has waived his right to a hearing. I therefore enter this final order without a hearing based on information contained in the investigative file.