

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule does not contain new or revised information collection for which Office of Management and Budget approval is required under the Paperwork Reduction Act. Information collections associated with certain Act permits are covered by an existing OMB approval and are assigned clearance No. 1018-0094, Forms 3-200-55 and 3-200-56, with an expiration date of July 31, 2004. Detailed information for Act documentation appears at 50 CFR part 17. The Service may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (NEPA)

We have determined that we do not need to prepare an Environmental Assessment or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 (NEPA) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the

Federal Register on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that there are no Tribal lands essential for the conservation of these five mussels. Therefore, designation of critical habitat for the five mussels has not been proposed on Tribal lands.

References Cited

A complete list of all references cited in this proposed rule is available upon request from the Cookeville Field Office (see **ADDRESSES** section).

Author

The primary author of this notice is Rob Tawes (931/528-6481, extension 213) (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons outlined in the preamble, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h), revise each of the entries here, listed in alphabetical order under "CLAMS" in the List of Endangered and Threatened Wildlife, so that they read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* CLAMS	*	*	*	*	*		*
* Bean, Purple	* <i>Villosa perpurpurea</i> ..	* U.S.A. (TN, VA)	* NA	* E	* 602	* 17.95(f)	* NA
* Combshell, Cumberlandian.	* <i>Epioblasma brevidens</i> .	* U.S.A. (AL, KY, MS, TN, VA).	* NA	* E	* 602	* 17.95(f)	* NA
* Elktoe, Cumberland ..	* <i>Alasmidonta atropurpurea</i> .	* U.S.A. (KY, TN)	* NA	* E	* 602	* 17.95(f)	* NA
* Mussel, oyster	* <i>Epioblasma capsaeformis</i> .	* U.S.A. (AL, GA, KY, MS, NC, TN, VA).	* NA	* E	* 602	* 17.95(f)	* NA
* Rabbitsfoot, rough	* <i>Quadrula cylindrica strigillata</i> .	* U.S.A. (TN, VA)	* NA	* E	* 602	* 17.95(f)	* NA
* 	* 	* 	* 	* 	* 		*

3. In § 17.95, at the end of paragraph (f), add an entry for five Cumberland and Tennessee River Basin mussels species to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(f) Clams and snails.

* * * * *

Five Tennessee and Cumberland River Basin mussels species: Purple bean (*Villosa perpurpurea*), Cumberlandian combshell (*Epioblasma brevidens*), Cumberland elktoe

(*Alasmidonta atropurpurea*), oyster mussel (*Epioblasma capsaeformis*), and rough rabbitsfoot (*Quadrula cylindrica strigillata*).

(1) Primary constituent elements.

(i) The primary constituent elements essential for the conservation of the