360e(c)(2)) as amended by the Safe Medical Devices Act of 1990, this premarket approval application (PMA) was not referred to the Ophthalmic Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, for review and recommendation because the information in the PMA substantially duplicates information previously reviewed by this panel.

On April 25, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 30, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 5, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–19507 Filed 7–30–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Pacific Gas and Electric Company's Blackhawk Distribution Feeder Main Natural Gas Pipeline, Contra Costa County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises that the Pacific Gas and Electric Company has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to of the Endangered Species Act of 1973, as amended (Act). The application has been assigned permit number PRT–817075. The proposed permit would authorize the incidental take of the federally threatened California red-legged frog (*Rana aurora draytonii*) and/or its habitat during the installation and operation of a natural gas distribution pipeline. The permit would be in effect for three years.

The Service also announces the availability of an environmental assessment for the incidental take permit application, which includes the proposed Habitat Conservation Plan (HCP) fully describing the proposed project and mitigation, and the accompanying Implementing Agreement. This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

DATES: Written comments on the permit application, environmental assessment and Implementing Agreement should be received on or before August 30, 1996.

ADDRESSES: Comments regarding the application or adequacy of the environmental assessment and Implementing Agreement should be addressed to, U.S. Fish and Wildlife Service, Sacramento Field Office, 3310 El Camino, Suite 130, Sacramento, California 95821–6340. Please refer to permit number PRT–817075 when submitting comments. Individuals wishing copies of the application, environmental assessment or Implementing Agreement for review should immediately contact the above office. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Horton or Ms. Tiki Baron, Sacramento Field Office, 916–979–2725.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of a species listed as threatened or endangered. However, the Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated at 50 CFR 17.32.

Background

Pacific Gas and Electric Company proposes to install and operate a 4-mile-long buried natural gas pipeline within a 50-foot-wide right-of-way in the vicinity of San Ramon, Contra Costa County, California. The site is located east and south of San Ramon, California. Pacific Gas and Electric Company seeks coverage for the temporary disturbance of habitat and potential direct take of the California red-legged frog on approximately 5 acres of the project site. To compensate for project impacts, Pacific Gas and Electric Company will develop and implement a plan to acquire, enhance, maintain, restore and/or create and monitor approximately 10 acres of suitable California red-legged frog habitat (two acres of compensation habitat for every one acre of habitat disturbed) within the San Francisco Bay/Suisun Bay watershed. In addition, the approximately 5 acres of temporarily disturbed habitat would be restored to suitable California red-legged frog habitat. Other measures are specified in the Habitat Conservation Plan to minimize the potential for take during installation activities.

The environmental assessment considers the environmental consequences of four alternatives. The no project alternative would result in no

immediate environmental impacts. However, this alternative does not satisfy the purpose and need of the proposed project (to supply natural gas in a safe and reliable manner) and may adversely impact the local economy if natural gas service was curtailed or limited. This alternative was rejected because it would prevent Pacific Gas and Electric Company from meeting its customer demands, its legal mandate and the California Public Utilities Commission's mandate to provide safe, adequate and reliable natural gas service. Alternative 2 would utilize an existing utility right-of-way to install and operate the proposed natural gas pipeline. This alternative alignment is longer than the proposed alignment and therefore more expensive to install. In addition, this alignment would require additional seismic fault protection and may encounter future land use conflicts. Although this alternative would likely result in fewer initial impacts to the California red-legged frog, the potential for significant long-term impacts is greater than with the proposed alternative. Alternative 3 would utilize an existing road franchise along Dougherty Road for pipeline installation. This currently unpaved road would be closed to traffic during pipeline installation and portions of the road would need to be reconstructed and improved following installation. Thus, while Alternative 3 would entail fewer initial impacts to the California red-legged frog, the potential long-term impacts resulting from increased traffic and contaminants from road runoff would likely be greater than with the proposed alternative. Alternative 4, the proposed alternative, was selected because: (1) It best satisfies the needs and purpose of the proposed project; (2) it is likely to result in a relatively low level of incidental take; and (3) impacts are minimized and mitigated by the conservation of suitable California red-legged frog habitat and other measures specified in the Habitat Conservation Plan.

This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of National Environmental Policy Act regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final permit decision will be made following a review of all comments received in response to this notice.

Dated: July 25, 1996.

David L. McMullen,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–19405 Filed 7–30–96; 8:45 am]

BILLING CODE 4310–55–P

Availability of Environmental Assessment and Receipt of Application and Intent to Issue Incidental Take Permit for Development of Industrial Complex in Cedar City, Iron County, Utah

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Connel Gower Construction, Inc. (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has been assigned permit number PRT–817340. The requested permit, which is for a period of 20 years, would authorize incidental take of the threatened Utah Prairie Dog (*Cynomys parvidens*). The proposed take would occur as a result of development of a 63-acre industrial complex located on private property within Cedar City, Iron County, Utah.

The Service has prepared the Environmental Assessment for issuance of the incidental take permit. The Applicant has prepared a habitat conservation plan as part of the incidental take permit application. A determination of whether jeopardy to the species will occur, or a Finding of No Significant Impact (FONSI), will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application must be received on or before August 30, 1996.

ADDRESSES: Persons wishing to review the permit application may obtain a copy by writing to the Assistant Field Supervisor, Utah Field Office, U.S. Fish and Wildlife Service, 145 East 1300 South Street, Suite 404, Salt Lake City, Utah 84115. Documents will be available for public inspection by written request, or by appointment only, during business hours (8 a.m.to 4:30 p.m.) at the above address.

Written data or comments concerning the permit application should be submitted to the Assistant Field Supervisor, Utah Field Office, U.S. Fish and Wildlife Service Salt Lake City, Utah (See **ADDRESSES** above). Please refer to permit number PRT–817340 in all correspondence regarding these documents.

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Assistant Field Supervisor or Marilet A. Zablan, Wildlife Biologist, at the above U.S. Fish and Wildlife Service Office in Salt Lake City, Utah (see **ADDRESSES** above) (telephone: (801) 524–5001, facsimile: (801) 524–5021).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of any threatened or endangered species, such as the threatened Utah Prairie Dog. However, the Service, under limited circumstances, may issue permits to take threatened or endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are at 50 CFR 17.22.

Applicant

Connel Gower Construction, Inc. plans to develop an approximately 63-acre industrial park, located in portions of sections 3, 4, 9 and 10 in Township 36 South, Range 11 West, Salt Lake Base and Meridian, within Cedar City, Iron County, Utah. Development is planned to include development of streets, parking areas and drainage facilities as well as installation of natural gas, sewer, water, electrical power, and telephone service in preparation for construction of commercial and industrial buildings and facilities. The construction will impact 63 acres of Utah Prairie Dog habitat, and the Applicant foresees an incidental take of an estimated 116 Utah Prairie Dogs through trapping and relocation and the potential incidental take of no more than two Utah Prairie Dogs per five acres of developed land as a result of direct mortality during construction. The Applicant proposes to compensate for this habitat loss by payment of $900 per acre for each acre developed, to be used for public land management actions for Utah Prairie Dog conservation and to implement recover actions for conservation of the Utah Prairie Dog, through a Utah Prairie Dog Conservation Fund.

A no-action alternative to the proposed action was considered, consisting of foregoing the development of the 63-acre area of Utah Prairie Dog habitat. The no-action alternative was rejected for reasons including loss of use of the private property, resulting in significant economic loss to the Applicant.