

(2) If MMS notifies a lessee or operator that MMS does not accept the lessee's or operator's certification under paragraph (e)(2) of this section, the due date for the Oil and Gas Operations Report or Monthly Report of Operations will be the date specified in the notice.

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

■ 3. The authority for part 218 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 3335; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

■ 4. In § 218.50, paragraphs (d) and (e) are added to read as follows:

§ 218.50 Timing of payment.

* * * * *

(d)(1) Notwithstanding the provisions of paragraph (a) of this section and corresponding lease terms and 30 CFR 210.52, the due date for submittal of royalty payments and Reports of Sales and Royalty Remittance (Form MMS-2014) for the production months of July, August, September, and October 2005 for Federal offshore and onshore oil and gas leases by oil and gas lessees or royalty payors who make the certification required under paragraph (d)(2) of this section is extended until January 3, 2006.

(2) The extended due dates in paragraph (d)(1) of this section will apply to royalty payments and Reports of Sales and Royalty Remittance (Form MMS-2014) by any lessee or royalty payor who certifies that a hurricane that struck the Gulf of Mexico coast of the United States in August or September 2005 disrupted the lessee's or payor's operations to the extent that it prevented the lessee or royalty payor from making an accurate royalty payment or submitting an accurate Form MMS-2014.

(3) A lessee's or royalty payor's certification under paragraph (d)(2) of this section that it is unable to generate and submit either an accurate royalty report or an accurate royalty payment will extend the due date for both royalty reporting and royalty payment.

(4) Paragraphs (d)(1) through (d)(3) of this section do not apply to Indian leases or to Federal leases for minerals other than oil and gas.

(5) Certifications under paragraph (d)(2) of this section should be submitted either:

(i) By mail to: Robert Prael, Financial Manager, Minerals Management Service,

Minerals Revenue Management, P.O. Box 25165, MS 350B1, Denver, CO 80225-0165, or

(ii) By e-mail to *Robert.Prael@mms.gov*.

(e)(1) A lessee or royalty payor who submits a certification required under paragraph (d)(2) of this section may rely on the extended due dates prescribed in paragraph (d)(1) of this section unless and until MMS notifies the lessee or royalty payor or operator that MMS does not accept the certification.

(2) If MMS notifies the lessee or royalty payor that MMS does not accept the lessee's or royalty payor's certification under paragraph (d)(2) of this section, the due date for royalty payments and Reports of Sales and Royalty Remittance will be the date specified in the notice.

[FR Doc. 05-19533 Filed 9-28-05; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 250 and 282

RIN 1010-AC47

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Plans and Information

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: MMS is delaying until January 1, 2006, the effective date of a rule that regulates plans and information that lessees and operators must submit in connection with oil and gas exploration, development and production on the Outer Continental Shelf (OCS). This delay is necessary because of damage in the New Orleans area caused by Hurricane Katrina and subsequent flooding. This temporary delay will provide relief to the government and the oil and gas industry as they recover from this disaster.

EFFECTIVE DATE: The effective date of the rule amending 30 CFR Parts 250 and 282 published at 70 FR 51478, August 30, 2005, is delayed until January 1, 2006.

FOR FURTHER INFORMATION CONTACT: Kunkum Ray, Offshore Regulatory Programs (703) 787-1604.

SUPPLEMENTARY INFORMATION: The rule on Plans and Information that was published in the *Federal Register* on August 30, 2005 (70 FR 51478) provides that MMS will also publish a Notice to

Lessees (NTL) to provide further guidance. The primary office responsible for developing the NTL, the MMS Gulf of Mexico Regional Office in New Orleans, Louisiana, has been temporarily moved since Hurricane Katrina and the flooding that followed that disaster. While critical functions have been continuously maintained, a portion of the associated staff and systems are expected to require two months to become fully functional. Moreover, many of the lessees and operators subject to the rule are similarly engaged in the restoration of normal operations following Hurricane Katrina. Lessees and operators will be making changes in their own procedures to comply with the rule. Lessees and operators whose operations have been interrupted as a result of the hurricane may not be able to make these changes until normal operations resume. Accordingly, the Department of the Interior is postponing the effective date of the final rule and the accompanying NTL until January 1, 2006.

Dated: September 23, 2005.

Chad Calvert,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 05-19532 Filed 9-28-05; 8:45 am]

BILLING CODE 4310-MR-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[RO4-OAR-2005-NC-0003-200532(a); FRL-7976-5]

Approval and Promulgation of State Plan for Designated Facilities and Pollutants; North Carolina

AGENCY: Environmental Protection Agency (EPA)

ACTION: Direct final rule.

SUMMARY: EPA is approving the Clean Air Act (CAA) section 111(d)/129 State Plan submitted by the North Carolina Department of Environment and Natural Resources (North Carolina DENR) for the State of North Carolina on August 7, 2002, and subsequently revised on December 14, 2004 (State Plan). The State Plan is for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial and Industrial Solid Waste Incineration (CISWI) Units that commenced construction on or before November 30, 1999.

DATES: This direct final rule will be effective November 28, 2005 unless EPA receives adverse comments by October

31, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID No. RO4-OAR-2005-NC-0003, by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. Agency Web site: <http://docket.epa.gov/rmepub/> RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: Majumder.joydeb@epa.gov.

4. Fax: (404) 562-9164.

5. Mail: "RO4-OAR-2005-NC-0003", Air Toxics Assessment and Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960.

6. Hand Delivery or Courier. Deliver your comments to: Joydeb Majumder, Air Toxics and Monitoring Branch 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to RME ID No. RO4-OAR-2005-NC-0003. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, [regulations.gov](http://www.regulations.gov), or e-mail. The EPA RME Web site and the federal [regulations.gov](http://www.regulations.gov) Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly

to EPA without going through RME or [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the RME index at <http://docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Air Toxics Assessment and Implementation Section, Air Toxics and Monitoring Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joydeb Majumder at (404) 562-9121.

SUPPLEMENTARY INFORMATION:

I. Background

On December 1, 2000, pursuant to CAA sections 111 and 129, EPA promulgated new source performance standards (NSPS) applicable to new CISWI units and EG applicable to existing CISWI units. The NSPS and EG are codified at 40 CFR part 60, subparts CCCC and DDDD, respectively. Subparts CCCC and DDDD regulate the following: Particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans.

For existing sources, CAA section 129(b)(2) requires states to submit to

EPA for approval State Plans that implement and enforce the EG contained in 40 CFR part 60, subpart DDDD. State Plans must be at least as protective as the EG, and become Federally enforceable upon approval by EPA. Pursuant to subpart DDDD, State Plans must include the following nine items: An inventory of affected CISWI units; an inventory of emissions from affected CISWI units; compliance schedules for each affected CISWI unit; emission limitations, operator training and qualification requirements, a waste management plan, and operating limits for affected CISWI units; performance testing, record keeping, and reporting requirements; certification that a public hearing was held; provision for State progress reports to EPA; identification of enforceable State mechanisms for implementing the emission guidelines; and a demonstration of the State's legal authority to carry out the State Plan. The procedures for adoption and submittal of State Plans are codified in 40 CFR part 60, subpart B.

In this action, EPA is approving the State Plan for existing CISWI units submitted by North Carolina DENR because it meets the requirements of 40 CFR part 60, subpart DDDD.

II. Discussion

North Carolina DENR's 111(d) / 129 State Plan for implementing and enforcing the EG for existing CISWI units includes the following: Public Participation-Demonstration that the Public Had Adequate Notice and Opportunity to Submit Written Comments and Attend Public Hearing; Emissions Standards and Compliance Schedules; Emission Inventories, Source Surveillance, and Reports; and Legal Authority. EPA's approval of the State Plan is based on our finding that it meets the nine requirements of 40 CFR part 60, subpart DDDD.

Requirements (1) and (2): Inventory of affected CISWI units and inventory of emissions. North Carolina DENR submitted an emissions inventory of all designated pollutants for existing CISWI units under their jurisdiction in the State of North Carolina. This portion of the State Plan has been reviewed and approved as meeting the Federal requirements for existing CISWI units.

Requirement (3): Compliance schedules for each affected CISWI unit. North Carolina DENR submitted the compliance schedule for existing CISWI units under their jurisdiction in the State of North Carolina. This portion of the State Plan has been reviewed and approved as being at least as protective as Federal requirements for existing CISWI units.

Requirement (4): Emission limitations, operator training and qualification requirements, a waste management plan, and operating limits for affected CISWI units. North Carolina DENR adopted all emission standards and limitations applicable to existing CISWI units. These standards and limitations have been approved as being at least as protective as the Federal requirements contained in subpart DDDD for existing CISWI units.

Requirement (5): Performance testing, recordkeeping, and reporting requirements. The State Plan contains requirements for monitoring, recordkeeping, reporting, and compliance assurance. This portion of the State Plan has been reviewed and approved as being at least as protective as the Federal requirements for existing CISWI units. The North Carolina DENR State Plan also includes its legal authority to require owners and operators of designated facilities to maintain records and report on the nature and amount of emissions and any other information that may be necessary to enable North Carolina DENR to judge the compliance status of the facilities in the State Plan. North Carolina DENR also submitted its legal authority to provide for periodic inspection and testing and provisions for making reports of existing CISWI unit emissions data, correlated with emission standards that apply, available to the general public.

Requirement (6): Certification that a public hearing was held. North Carolina DENR provided certification that a public hearing was held on January 7, 2002.

Requirement (7): Provision for State progress reports to EPA. The North Carolina DENR State Plan provides for progress reports of plan implementation updates to EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR part 60, subpart B. This portion of the State Plan has been reviewed and approved as meeting the Federal requirement for State Plan reporting.

Requirement (8): Identification of enforceable State mechanisms for implementing the Emission Guidelines. An enforcement mechanism is a legal instrument by which the North Carolina DENR can enforce a set of standards and conditions. The North Carolina DENR has adopted 40 CFR part 60, subpart DDDD, into 15A North Carolina Administrative Code (NCAC) 2D.1210, of the North Carolina Air Regulations for the Prevention, Abatement, and Control of Air Contaminants. Therefore, North Carolina DENR's mechanism for enforcing the standards and conditions

of 40 CFR part 60, subpart DDDD, is Rule 15A NCAC 2D.1210. On the basis of this rule and the rules identified in Requirement (9) below, the State Plan is approved as being at least as protective as the Federal requirements for existing CISWI units.

Requirement (9): A demonstration of the State's legal authority to carry out the State Plan. North Carolina DENR demonstrated legal authority to adopt emissions standards and compliance schedules for designated facilities; authority to enforce applicable laws, regulations, standards, and compliance schedules, and authority to seek injunctive relief; authority to obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require record keeping and to make inspections and conduct tests at designated facilities; authority to require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amount of emissions from such facilities; and authority to make emissions data publicly available.

North Carolina DENR cites the following references for the legal authority noted above: Adopt emission standards and compliance schedules—North Carolina General Statutes (N.C.G.S.) § 143–215.107(a)(3), (5), (10), and N.C.G.S. § 143–214.108(c)(1); enforce applicable laws, regulations, standards, and compliance schedules and seek injunctive relief—N.C.G.S. § 143–215.114A, N.C.G.S. § 143–215.114C, N.C.G.S. § 143–215.69, and N.C.G.S. § 143–215.3(a)(12); obtain information necessary to determine compliance—N.C.G.S. § 143–215.107(a)(4), N.C.G.S. § 143–215.107(a)(2), and N.C.G.S. § 143–215.63–69; require record keeping, make inspections, and conduct tests—N.C.G.S. § 143–215.3(a)(2), N.C.G.S. § 143–215.63–69, and N.C.G.S. § 143–215.108(d)(1); require the use of monitors and require emission reports of owners or operators—N.C.G.S. § 143–215.3(a)(2), N.C.G.S. §§ 143–215.63–69, N.C.G.S. § 143–215.107(a)(4), N.C.G.S. § 143–215.107(a)(10), N.C.G.S. § 143–215.108(c)(1), and N.C.G.S. § 143–215.108(c)(5); and make emissions data publicly available—N.C.G.S. §§ 132–1, et seq. and N.C.G.S. § 143–215.3(a)(2).

EPA is approving the State Plan for existing CISWI units submitted by North Carolina DENR because it meets the nine requirements of 40 CFR part 60, subpart DDDD.

III. Final Action

In this action, EPA approves the 111(d)/129 State Plan submitted by North Carolina DENR for the State of North Carolina to implement and enforce 40 CFR part 60, subpart DDDD, as it applies to existing CISWI units. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the State Plan should adverse comments be filed. This rule will be effective November 28, 2005 without further notice unless the Agency receives adverse comments by October 31, 2005.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 28, 2005 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this rule is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond

that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This rule also does not have federalism implications because it does not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General

of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This rule may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects 40 CFR Part 62

Environmental protection, Air pollution control, Commercial and industrial solid waste incineration units, Nitrogen dioxide, Particulate matter, and Sulfur oxides.

Dated: September 19, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

■ Chapter I, title 40 of the Code of Federal Regulation is amended as follows:

PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart II—North Carolina

■ 2. Subpart II is amended by adding an undesignated center heading and § 62.8355 to read as follows:

Air Emissions From Commercial and Industrial Solid Waste Incineration (CISWI) Units—Section 111(d)/129 Plan

§ 62.8355 Identification of sources.

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

[FR Doc. 05-19352 Filed 9-28-05; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 04-37; ET Docket No. 03-104; FCC 04-245]

Broadband Power Line Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission adopted new requirements and measurement guidelines for a new type of carrier current system that provides access to broadband services using electric utility companies over power lines. Certain rules contained new information collection requirements and were published in the **Federal Register** on January 7, 2005. This document announces the effective date of these published rules.

DATES: The amendments to §§ 15.615(a) through (e) published at 70 FR 1360, January 7, 2005, became effective on July 22, 2005.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Brooks, Office of Engineering and Technology, Policy and Rules Division, (202) 418-2454.

SUPPLEMENTARY INFORMATION: On July 22, 2005, the Office of Management and Budget (OMB) approved the information collection requirements contained in Sections 15.615(a) through (e) pursuant to OMB Control No. 3060-1087.

Accordingly, the information collection requirements contained in these rules became effective on February 7, 2005.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-19515 Filed 9-28-05; 8:45 am]

BILLING CODE 6712-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1805

RIN 2700-AD18

Announcement of Contract Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) by amending the anticipated value at