

#### IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed rule also does 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), nor will it 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), because it merely proposes to approve 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 proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP 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 SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for

EPA, when it reviews a SIP submission, to use VCS in place of a SIP 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

This proposed rule, to approve five source-specific RACT determinations, established and imposed by the Commonwealth of Pennsylvania pursuant to its SIP-approved generic RACT regulations does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: February 15, 2006.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. E6-2736 Filed 2-24-06; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 69

[EPA-R09-OAR-2005-0506; FRL-8030-4]

#### State Implementation Plan Revision and Alternate Permit Program; Territory of Guam

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to grant full approval for the Guam operating permit program regulations and an associated State Implementation Plan (SIP) revision submitted by the Territory of Guam (Guam). These submittals correct deficiencies identified in EPA's direct

final interim approval rulemaking of January 9, 2003 (68 FR 1162). Full approval of Guam's alternate permit program and associated SIP revision will allow sources to be permitted under Guam's approved alternate operating permit program.

**DATES:** Any comments on this proposal must arrive by March 29, 2006.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2005-0506, by one of the following methods:

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

2. Agency Web site: <http://docket.epa.gov/rmepub/>. EPA prefers receiving comments through this electronic public docket and comment system. Follow the on-line instructions to submit comments.

3. E-mail: [pika.ed@epa.gov](mailto:pika.ed@epa.gov).

4. Mail or deliver: Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov> including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the agency Web site, eRulemaking portal or e-mail. The agency Web site and eRulemaking portal are "anonymous access" systems, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Ben Machol, EPA Region IX, at (415) 972-3770, ([Machol.Ben@epa.gov](mailto:Machol.Ben@epa.gov)), Pacific Islands Office, or Ed Pike, at (415) 972-3970, ([Pike.Ed@epa.gov](mailto:Pike.Ed@epa.gov)), Permits Office, Air Division, at the EPA—Region IX address listed above.

**SUPPLEMENTARY INFORMATION:** In the Rules and Regulations section of this **Federal Register**, we are granting full approval of these local rules as Guam's alternate permit program in a direct final action without prior proposal because we believe this action is not controversial and do not anticipate adverse comment. A detailed rationale for this approval is set forth in the direct final rule. If we do not receive adverse comments, no further activity is planned. If EPA receives adverse comments, however, we will publish a timely withdrawal of the direct final action and address the comments in a subsequent final action based on this proposed rule. We will not open a second comment period, so anyone interested in commenting should do so at this time. For more information on this action, please see the information provided in the direct final rule of the same title located under the Rules and Regulations section of this **Federal Register**.

Dated: January 20, 2006.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*  
[FR Doc. 06-1741 Filed 2-24-06; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R01-RCRA-2006-0062; FRL-8038-2]

#### New Hampshire: Proposed Authorization of State Hazardous Waste Management Program Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** New Hampshire has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to New Hampshire. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through the immediate final action.

**DATES:** Comments must be received on or before March 29, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-RCRA-2006-0062, by one of the following methods:

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

- E-mail: [yee.steve@epa.gov](mailto:yee.steve@epa.gov).

- Fax: (617) 918-0197, to the attention of Stephen Yee.

- Mail: Stephen Yee, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023.

- Hand Delivery or Courier: Deliver your comments to: Stephen Yee, Hazardous Waste Unit, Office of Ecosystem Protection, EPA Region 1, One Congress Street, 11th Floor, (CHW), Boston, MA 02114-2023. Such deliveries are only accepted during the Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

For further information on how to submit comments, please see today's immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Stephen Yee, Hazardous Waste Unit, U.S. EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023, telephone number: (617) 918-1197; fax number: (617) 918-0197, e-mail address: [yee.steve@epa.gov](mailto:yee.steve@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing these changes by an intermediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect adverse comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written adverse comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you should do so at this time.

Dated: February 9, 2006.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*  
[FR Doc. 06-1791 Filed 2-24-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 745

[EPA-HQ-OPPT-2005-0049; FRL-7764-2]

#### Lead; Renovation, Repair, and Painting Program; Notice of Public Meetings

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

**ACTION:** Proposed rule; notice of public meetings.

**SUMMARY:** EPA is planning to hold five half-day public meetings in March and April of 2006. The purpose of these meetings is to receive comments from the public regarding proposed requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint. This document announces the locations and times for the meetings, and explains meeting procedures. To assist the public, EPA has prepared a paper, *Renovation, Repair, and Painting Proposal; Points to Consider*, which lists the major issues on which the Agency is seeking public input. The paper is available in the docket for the proposed rule, and is also available at <http://www.epa.gov/lead/pubs/renovation.htm>.

**DATES:** See Unit III. of the **SUPPLEMENTARY INFORMATION** section for meeting dates.

**ADDRESSES:** See Unit III. of the **SUPPLEMENTARY INFORMATION** section for meeting locations.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Mike Wilson, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0521; e-mail address: [wilson.mike@epa.gov](mailto:wilson.mike@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

##### A. Does This Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who performs renovations of target housing