

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 (Pub. L. 104-4).

This proposed 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 action 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 action 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 ("Protection of Children from Environmental Health Risks and Safety Risks" (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. This proposed 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.*).

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

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone,

Reporting and recordkeeping requirements.

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

Dated: April 27, 2006.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. E6-7411 Filed 5-15-06; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AF21**

#### **Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife; Extension of Public Comment Period**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (the Service) are extending the comment for the proposed rule re-opening the public comment period on the proposal to remove the bald eagle from the List of Threatened and Endangered Wildlife under the Endangered Species Act. We are also extending the comment period on the proposed rule to establish a regulatory definition of "disturb" under the Bald and Golden Eagle Protection Act, and on the draft National Bald Eagle Management Guidelines via two additional notices published separately in today's issue of the **Federal Register**. Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final decision and rule.

**DATES:** The public comment period is extended to June 19, 2006. Any comments received after the closing date may not be considered in the final decision on the proposal.

**ADDRESSES:** You may submit comments and other information, identified by RIN 1018-AF21, by any of the following methods:

- Mail: Michelle Morgan, Chief, Branch of Recovery and Delisting, Endangered Species Program, U.S. Fish and Wildlife Service, Headquarters Office, 4401 N. Fairfax Drive, Room 420, Arlington, Virginia 22203. Attn: RIN 1018-AF21.

- Hand Delivery/Courier: Same address as above.

- E-mail: [baldeagledelisting@fws.gov](mailto:baldeagledelisting@fws.gov). Include "RIN 1018-AF21" in the subject line of the message.

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

Comments and materials received for this rule will be available for public inspection, by appointment, during normal business hours at the above address after the close of the comment period. Call (703) 358-2061 to make arrangements.

#### **FOR FURTHER INFORMATION CONTACT:**

Mary Klee, Biologist, at the Headquarters Office (see **ADDRESSES** section), or via e-mail at [Mary\\_Klee@fws.gov](mailto:Mary_Klee@fws.gov); telephone (703) 358-2061.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 16, 2006, the U.S. Fish and Wildlife Service (Service) published a re-opening of the comment period on our proposal to remove the bald eagle in the 48 contiguous States from the List of Endangered and Threatened Wildlife under the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) (71 FR 8238). In anticipation of possible removal (delisting) of the bald eagle from the list of threatened and endangered species under the ESA, the Service concurrently proposed two other related actions: (1) A notice of availability of draft National Bald Eagle Management Guidelines (71 FR 8309, February 16, 2006); and (2) a proposed regulatory definition of "disturb" under the Bald and Golden Eagle Protection Act (BGEPA) to guide post-delisting bald eagle management (71 FR 8265, February 16, 2006). Due to the complexity of these related actions, we are extending the comment period for each action for an additional 30 days.

##### **Authority**

The authority for this action is the Endangered Species Act (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).

Dated: May 10, 2006.

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 06-4606 Filed 5-12-06; 1:17 pm]

**BILLING CODE 4310-55-P**