FOR FURTHER INFORMATION CONTACT: Al Petersen, EPA Region IX, (415) 947–4118, *petersen.alfred@epa.gov*.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: ADEQ Rule R18–2–602, ADEQ Rules R18–2–1501 through R18–2–1513, PCDEQ Rule 17.12.480, and PCAQCD Rules 3–8–700 and 3–8–710. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: March 22, 2006.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 06–4515 Filed 5–15–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 182–4196b; FRL–8170–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Withdrawal of Proposed Rule; Motor Vehicle Inspection and Maintenance Program—Request for Delay in the Incorporation of On-Board Diagnostics Testing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: EPA is withdrawing a proposed rule published on June 6, 2002, pertaining to Pennsylvania's timing in incorporating on-board diagnostic (OBD) checks as an element of its motor vehicle inspection and maintenance (I/M) program. EPA's I/M requirements rule, or I/M rule, established deadlines by which states were to add OBD checks to their I/M programs (*i.e.*, no later than January 1, 2002). However, EPA's I/M rule provided states the option to submit a request to EPA to delay OBD testing for no more than one additional year. Pennsylvania submitted a SIP revision requesting this optional one-year deadline extension on December 14, 2001.

On June 6, 2002, EPA published a direct final rule (67 FR 38894) to approve Pennsylvania's request to delay OBD testing as a revision to the Pennsylvania State Implementation Plan (SIP). EPA received adverse comments during the comment period established for that rule. On August 5, 2002 EPA published a withdrawal notice (67 FR 50602) of its June 2002 direct final rule. As stated in EPA's direct final rule, upon EPA's withdrawal of the direct final rule, a proposed rulemaking action remained in place. EPA never took final action upon that proposed rule.

Pennsylvania subsequently submitted two SIP revisions (on December 1, 2003 and January 30, 2004) that revised its I/M program in its entirety—including the incorporation of OBD checks as an element of its program. EPA published a final rule fully approving the Commonwealth's revamped I/M program on October 6, 2005 (70 FR 58313).

Since EPA has fully approved the Commonwealth's I/M program (including the OBD check component of the program), EPA's proposed rule to grant the Commonwealth's request for an extension of the deadline to incorporate OBD checks is no longer necessary. On November 17, 2005, Pennsylvania formally requested withdrawal of its December 14, 2001 SIP revision from EPA. Therefore, EPA is today withdrawing its proposed rule (67 FR 38924) to grant the Commonwealth's OBD deadline extension.

DATES: The proposed rule is withdrawn as of May 16, 2006.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, Air Quality Planning Branch, Mailcode 3AP21, 1650 Arch Street, Philadelphia, PA 19103. Phone (215) 814–2176, or e-mail *rehn.brian@epa.gov*.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 5, 2006.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E6–7409 Filed 5–15–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2006–0225; FRL–8170–9]

Revisions to the California State Implementation Plan, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the South Coast Air Quality Management District's (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_X) and oxides of sulfur (SOx) emissions from facilities emitting 4 tons or more per year of NO_X or SOx in the year 1990 or subsequent year under the SCAQMD's Regional Clean Air Incentives Market (RECLAIM) program. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by June 15, 2006.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–0225, by one of the following methods:

1. Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions.
2. E-mail: *steckel.andrew@epa.gov*.
3. Mail or deliver: Andrew Steckel (Air–4), 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 *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an ''anonymous access'' system, 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: Lily Wong, EPA Region IX, (415) 947–4114, *wong.lily@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal
A. What rules did the State submit?
B. Are there other versions of these rules?
C. What is the purpose of the submitted rule revisions?
II. EPA's Evaluation and Action.
A. How is EPA evaluating the rules?
B. Do the rules meet the evaluation criteria?
C. Public Comment and Final Action
III. Statutory and Executive Order Reviews

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by the SCAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
SCAQMD	2000	General	05/06/05	10/20/05
SCAQMD	2001	Applicability	05/06/05	10/20/05
SCAQMD	2002	Allocations for Oxides of Nitrogen (NO_X) and Oxides of Sulfur (SO_x).	01/07/05	12/21/05
SCAQMD	2005	New Source Review for RECLAIM	05/06/05	10/20/05
SCAQMD	2007	Trading Requirements	05/06/05	10/20/05
SCAQMD	2010	Administrative Remedies and Sanctions	01/07/05	07/15/05
SCAQMD	2011	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions.	01/07/05	07/15/05
SCAQMD	2011 Protocol Appendix A	Appendix A: Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions.	05/06/05	10/20/05
SCAQMD	2012	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_X) Emissions.	01/07/05	07/15/05
SCAQMD	2012 Protocol Appendix A	Appendix A—Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_X) Emissions.	05/06/05	10/20/05

Prior to the submittal of the rules in Table 1, SCAQMD also adopted and submitted other revisions of these rules. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals. EPA's technical support document (TSD) has more information about these interim superseded rules.

On August 18, 2005, November 22, 2005, and March 20, 2006, these rule submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

Table 2 lists the previous versions of these rules approved into the SIP.

TABLE 2.—CURRENT SIP APPROVED VERSION OF RULES

Rule #	Rule title	Adopted	Submitted	Approved FR citation
2000	General	05/11/01	05/31/01	09/04/03, 68 FR 52512.
2001	Applicability	05/11/01	05/31/01	09/04/03, 68 FR 52512.
2002	Allocations for Oxides of Nitrogen (NO_X) and Oxides of Sulfur (SO_X).	05/11/01	05/31/01	09/04/03, 68 FR 52512.
2005	New Source Review for RECLAIM	04/20/01	10/30/01	09/04/03, 68 FR 52512.
2007	Trading Requirements	12/05/03	02/20/04	07/26/04, 69 FR 44461.
2010	Administrative Remedies and Sanctions	05/11/01	05/31/01	09/04/03, 68 FR 52512.
2011	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_X) Emissions.	12/05/03	02/20/04	07/26/04, 69 FR 44461.
2011 Protocol Appendix A	Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_X) Emissions.	03/16/01	05/31/01	09/04/03, 68 FR 52512.
2012	Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_X) Emissions.	12/05/03	02/20/04	07/26/04, 69 FR 44461.
2012 Protocol Appendix A	Protocol for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_X) Emissions.	03/16/01	05/31/01	09/04/03, 68 FR 52512.

C. What is the purpose of the submitted rule revisions?

NO_X helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X emissions. The RECLAIM program was initially adopted by SCAQMD in October 1993. The program established for many of the largest NO_X and SO_X facilities in the South Coast Air Basin regional NO_X and SO_X emissions caps which decline over time. The program was designed to provide incentives for sources to reduce emissions and advance pollution control technologies by giving sources added flexibility in meeting emission reduction requirements. A RECLAIM source's emissions may not exceed its holding of RECLAIM Trading Credits (RTCs) in any compliance year. A RECLAIM source may comply with this requirement by installing control equipment, modifying their activities, or purchasing RTCs from other facilities.

The primary purposes of the 2005 amendments to the RECLAIM rules were to:

(1) Lower the regional NO_X emissions cap. Beginning with the 2007 compliance year, the regional NO_X emissions cap would be lowered by 4 tons per day from the 2003 emissions levels to achieve additional NO_X emission reductions for attainment. This program modification would also address California Health and Safety Code requirements on Best Available Retrofit Control Technology (BARCT).

(2) Remove the remaining trading restrictions placed on the power producers.

(3) Modify the monitoring, recordkeeping, and reporting requirements and protocols, including: adding a new NO_X emission factor for micro-turbines, requiring large sources and process units equipped with stack flow monitors to measure exhaust flow rate, clarifying the required operating parameters for large sources and process units, clarifying the corresponding emission rates that are to be measured and reported, establishing missing data provisions on an hourly basis versus the previous daily requirement, allowing an alternative test to demonstrate compliance with RECLAIM NO_X concentration limits, allowing a delay in the due date for Relative Accuracy Test Audits (RATA) for equipment that is operated intermittently, adding alternative methods of compliance testing for natural gas combustion sources with high oxygen content in the exhaust stream, allowing the reporting of emissions through the SCAQMD's Internet Web site, specifying that emission reports are due every quarter from sources that are not listed on the Facility Permit (such as contractor equipment, various location equipment, and equipment covered under applications), correcting typographical errors, and adding rule language clarifications.

(4) Modify the NSR requirements for RECLAIM sources to allow sources to sell unused RTCs at the end of a quarter instead of the end of the compliance year, provided the source accepts an enforceable permit condition which establishes a quarterly emissions limitation.

(5) Implement other administrative and clarifying changes. While ship emissions are not counted toward the applicability thresholds to determine if the source is subject to RECLAIM, the rule amendments clarify that ship emissions at a new or relocated RECLAIM facility subject to New Source Review is to be counted as part of the total emissions which must be offset. Because of recent changes in the state that requires the permitting and regulation of agricultural sources, the rule was amended to clarify that agricultural sources are exempt from the RECLAIM program.

EPA's TSD has more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates a 1-hour ozone nonattainment area (see 40 CFR 81), so Regulation XX (Rules 2000 to 2020) must fulfill RACT.

Guidance and policy documents that we used to help evaluate enforceability and RACT requirements consistently include the following:

1. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement), 57 FR 55620, November 25, 1992.

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

4. ''Improving Air Quality with Economic Incentive Programs,'' EPA–452/R01–001, (the EIP guidance) January 2001.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. While some of rule amendments could arguably be viewed as a rule relaxation (*e.g.* allowing sources to sell unused RTCs at the end of a quarter instead of at the end of the year), other rule amendments are strengthening (*e.g.* requiring such sources to be subject to a quarterly emissions limit in their permit, and clarifying that ship emissions, at a new or relocated RECLAIM facility subject to New Source Review, are part of total emissions which must be offset). Also, the amendments result in significant additional emission reductions through the lowering of the emissions cap in the year 2007. Consequently, EPA believes that the amendments on balance are strengthening. The TSD has more information on our evaluation.

C. Public Comment and Final Action

Because EPA believes the submitted rules fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

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 proposed 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 (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.* 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*; 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