

**ADDRESSES:** Comments may be mailed to Mr. Jeff Robinson, Air Permits Section (6PD-R), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the final rules section of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeff Robinson, Air Permits Section, Multimedia Planning and Permitting Division (6PD-R), U.S. Environmental Protection Agency, Region, 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, at (214) 665-6435, or at [robinson.jeffrey@epa.gov](mailto:robinson.jeffrey@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving ODEQ's request for delegation of authority to implement and enforce certain NESHAPs for all sources (both Part 70 and non-Part 70 sources). The ODEQ has adopted certain NESHAPs into Oklahoma's state regulations. In addition, EPA is waiving its notification requirements so sources will only need to send notifications and reports to ODEQA.

The EPA is taking direct final action without prior proposal because EPA views this is a noncontroversial action and anticipates no adverse comments. A detailed rationale for this approval is set forth in the preamble to the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be served 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. For additional information, see the direct final rule which is published in the Rules section of this **Federal Register**.

**Authority:** 42 U.S.C. 7412.

Dated: November 27, 2005.

**Carl E. Edlund,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 05-23969 Filed 12-12-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 122

[FRL-8007-7]

### Correction to the Fall 2005 Regulatory Agenda

**AGENCY:** Environmental Protection Agency.

**ACTION:** Correction.

**SUMMARY:** On October 31, 2005, the Regulatory Plan and the Unified Agenda of the Federal Regulatory and Deregulatory Actions for the Environmental Protection Agency was published in the **Federal Register** (70 FR 65206). The regulatory agenda entry for sequence number 3378, "Oil and Gas Phase II Storm Water Permit Requirements," contains erroneous information. This notice corrects the information that was published in the **Federal Register** (70 FR at 65345) under the headings of Legal Authority, CFR Citation, Abstract, and Timetable.

**FOR FURTHER INFORMATION CONTACT:** Jeff Smith, Office of Wastewater Management, Office of Water, Environmental Protection Agency (4203M) Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-0652; fax number: (202) 564-6431; e-mail address: [smith.jeff@epa.gov](mailto:smith.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda to update the public about: Regulations and major policies currently under development, Reviews of existing regulations and major policies, and Rules and major policymakings completed or canceled since the last Agenda.

The regulatory agenda entry in the proposed rule section for sequence number 3378, "Oil and Gas Phase II Storm Water Permit Requirements" (70 FR 65345) contains erroneous information. The Agency did not intend to express an interpretation of the Energy Policy Act of 2005 in advance of the EPA publishing the proposed rule. This notice corrects the information that was provided under the headings of Legal Authority, CFR Citation, Abstract, and Timetable for the Oil and Gas Phase II Storm Water Permit Requirements action. The following agenda item replaces in its entirety the agenda item that was provided in the EPA's Semiannual Regulatory Agenda for sequence number 3378, Oil and Gas

Phase II Storm Water Permit Requirements:

*Priority:* Substantive, Significant.

*Legal Authority:* CWA 402(p).

*CFR Citation:* 40 CFR 122.26.

*Legal Deadline:* None.

*Abstract:* On Monday, August 8, President Bush signed into law The Energy Policy Act of 2005. Section 323 of this legislation modifies section 502 of the Federal Water Pollution Control Act to define the term "oil and gas exploration, production, processing, or treatment operations, or transmission facilities" to mean "all field activities or operations associated with exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities." In order to accommodate the changes in the new law, EPA expects to propose modifications to its current regulations governing construction site storm water discharges for oil and gas activities regulated by the Phase I and Phase II storm water rules.

### TIMETABLE

Action	Date	FR cite
NPRM .....	12/00/05	
Final Action .....	06/00/06	

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* No.

*Government Levels Affected:* Federal, State.

*Additional Information:* SAN No. 4979.

*Agency Contact:*

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Dated: December 7, 2005.

**Louise P. Wise,**

*Deputy Associate Administrator, Office of Policy, Economics, and Innovation.*

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