

inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, the NTTAA does not apply to this rule.

*I. Petitions for Judicial Review*

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 January 29, 2007. 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 action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

**List of Subjects**

*40 CFR Part 61*

Environmental protection, Air pollution control, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

*40 CFR Part 63*

Environmental protection, Air pollution control, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 17, 2006.

**Robert W. Varney,**  
*Regional Administrator, EPA New England.*

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

**PART 61—[AMENDED]**

■ 1. The authority citation for part 61 continues to read as follows:

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

**Subpart A—General Provisions**

■ 2. Section 61.04 is amended by redesignating paragraph (c)(1) as paragraph (c)(1)(i), and adding paragraph (c)(1)(ii) to read as follows:

**§ 61.04 Address.**

\* \* \* \* \*

(c) \* \* \*  
(1)(i) \* \* \*

(ii) The remainder of the sources subject to the part 61 subpart M Asbestos provisions, except for those listed under paragraph (c)(1)(i) of this section, must comply with the New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the Air and Radiation Docket and Information Center, U.S. EPA, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. You may examine this material at the above EPA office or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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**PART 63—[AMENDED]**

■ 3. The authority citation for part 63 continues to read as follows:

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

**Subpart A—General Provisions**

■ 4. Section 63.14 is amended by redesignating paragraph (d)(5) as paragraph (d)(5)(i), and adding paragraph (d)(5)(ii) to read as follows:

**§ 63.14 Incorporation by reference.**

\* \* \* \* \*

(d) \* \* \*  
(5)(i) \* \* \*

(ii) New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006. Incorporation by Reference approved for § 63.99(a)(29)(iv) of subpart E of this part.

\* \* \* \* \*

**Subpart E—Approval of State Programs and Delegation of Federal Authorities**

■ 5. Section 63.99 is amended by adding paragraph (a)(29)(iv) to read as follows:

**§ 63.99 Delegated Federal authorities.**

(a) \* \* \*  
(29) \* \* \*

(iv) Affected asbestos facilities (i.e., facilities found under 40 CFR part 61, subpart M, except those listed under paragraph (a)(29)(iii) of this section),

must comply with the New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006, (incorporated by reference as specified in § 63.14) as follows:

(A) The material incorporated in the New Hampshire Regulations Applicable to Hazardous Air Pollutants, September 2006, (incorporated by reference as specified in § 63.14) pertains to those affected asbestos facilities in the State of New Hampshire's jurisdiction, and has been approved under the procedures in 40 CFR 63.92 to be implemented and enforced in place of the federal NESHAPs found at 40 CFR part 61, subpart M (except for those listed under paragraph (a)(29)(iii) of this section).

(B) [Reserved]

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[FR Doc. E6-20157 Filed 11-27-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 707**

[EPA-HQ-OPPT-2005-0058; FRL-8104-9]

RIN 2070-AJ01

**Export Notification; Change to Reporting Requirements; Technical Correction**

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of November 14, 2006, concerning amendments to the Toxic Substances Control Act (TSCA) section 12(b) export notification regulations at subpart D of 40 CFR part 707. This document is being issued to correct a typographical error.

**DATES:** This technical correction is effective January 16, 2007. In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight/standard time on December 12, 2006.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2005-0058. All documents in the docket are listed on the regulations.gov website at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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. The EPA Docket Center (EPA/DC) suffered structural damage due to flooding in June 2006. Although the EPA/DC is continuing operations, there will be temporary changes to the EPA/DC during the clean-up. The EPA/DC Public Reading Room, which was temporarily closed due to flooding, has been relocated in the EPA Headquarters Library, Infoterra Room (Room Number 3334) in EPA West, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. EPA visitors are required to show photographic identification and sign the EPA visitor log. Visitors to the EPA/DC Public Reading Room will be provided with an EPA/DC badge that must be visible at all times while in the EPA Building and returned to the guard upon departure. In addition, security personnel will escort visitors to and from the new EPA/DC Public Reading Room location. Up-to-date information about the EPA/DC is on the EPA Web site at <http://www.epa.gov/epahome/dockets.htm>.

**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: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-9232; e-mail address: [moss.kenneth@epa.gov](mailto:moss.kenneth@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

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

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using regulations.gov, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>.

##### II. What Does this Correction Do?

This correction restores to the first sentence of the introductory text at 40 CFR 707.60(c)(2) the phrase “where such chemical substance or mixture is present in a concentration of less than 0.1% (by weight or volume).” The corrected first sentence of §707.60(c)(2) will now read: “No notice of export is required for the export of a chemical substance or mixture that is a known or potential human carcinogen where such chemical substance or mixture is present in a concentration of less than 0.1% (by weight or volume).” Without the correction to 40 CFR 707.60(c)(2), the rule does not have the effect, as clearly stated in the proposed rule and elsewhere in the preamble to the final rule, of establishing a *de minimis* level for reporting of carcinogens under TSCA section 12(b).

##### III. Why is this Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, for the reasons mentioned in Unit II. The missing phrase in the regulatory text of the final rule at 40 CFR 707.60(c)(2) appears in the regulatory text of the proposed rule as well as throughout the preamble of the final rule, such that the intent to include it in the regulatory text of the final rule is clear. The phrase was inadvertently left out of the regulatory text of the final rule during Agency editing and preparation of the final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

##### IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?

No. This document is a technical correction to a recently issued final rule and does not impose any new requirements. EPA’s compliance with

the statutes and Executive orders for the underlying final rule is discussed in Unit VII. of the final rule that was issued on November 14, 2006 (71 FR 66234, at 66243).

##### V. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act (CRA) (5 U.S.C. 801 *et seq.*) 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. As with the final rule, since this technical correction is considered a rule under the CRA, EPA will submit a rule report 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**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

##### List of Subjects in 40 CFR Part 707

Environmental protection, Chemicals, Exports, Hazardous substances, Imports, Reporting and recordkeeping requirements.

Dated: November 20, 2006.

**Susan B. Hazen,**

*Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

Under EPA’s authority, 15 U.S.C. 2611(b) and 2612, FR Doc. E6-19182 published in the **Federal Register** of November 14, 2006 (71 FR 66234) (FRL-8101-3) is corrected as follows:

##### § 8707.60 [Corrected]

■ On page 66244, in the second column, in § 707.60 Applicability and compliance, the first sentence of the introductory text of paragraph (c)(2) is corrected to read as follows:

“No notice of export is required for the export of a chemical substance or mixture that is a known or potential human carcinogen where such chemical substance or mixture is present in a concentration of less than 0.1% (by weight or volume).”

[FR Doc. E6-20148 Filed 11-27-06; 8:45 am]

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