

“department.” The revision is approvable.

R 336.2159—The MDEQ made minor administrative revisions, e.g., changing terminology from “commission” to “department.” The revisions are approvable.

R 336.2170—The MDEQ made minor administrative revisions, e.g., changing terminology from “commission” to “department.” The revisions are approvable.

R 336.2175—The MDEQ made minor administrative revisions, e.g., changing terminology from “commission” to “department.” The revisions are approvable.

R 336.2189—The MDEQ made minor administrative revisions, e.g., changing terminology from “commission” to “department.” The revisions are approvable.

R 336.2190—The MDEQ changed terminology from “commission” to “department.” The revision is approvable.

#### V. What Actions Is EPA Taking?

To determine the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA, EPA regulations and the EPA’s interpretation of these requirements as expressed in EPA policy guidance documents. Rules R 336.1602 and R 336.2041 are inconsistent with the CAA and the applicable policies by which EPA must evaluate submittals, including, “Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register Notice**” dated May 25, 1988. Therefore, EPA is proposing to disapprove rules R 336.1602 and R 336.2041. EPA is proposing to approve the remainder of the rules.

#### VI. Statutory and Executive Order Reviews

##### *Executive Order 12866; Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget.

##### *Paperwork Reduction Act*

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.).

##### *Regulatory Flexibility Act*

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.).

##### *Unfunded Mandates Reform Act*

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).

##### *Executive Order 13132 Federalism*

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.

##### *Executive Order 13175 Consultation and Coordination With Indian Tribal Governments*

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).

##### *Executive Order 13045 Protection of Children From Environmental Health and Safety Risks*

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.

##### *Executive Order 13211 Actions That Significantly Affect Energy Supply, Distribution, or Use*

Because it is not a “significant regulatory action” under Executive Order 12866 or a “significant energy action,” 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).

##### *National Technology Transfer Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTA), 15 U.S.C. 272, requires Federal agencies to use technical standards that are developed or adopted by voluntary consensus to carry out policy objectives, so long as such standards are not inconsistent with applicable law or otherwise impracticable. In reviewing program submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the Act. Absent a prior existing requirement for the state to use voluntary consensus standards, EPA has no authority to disapprove a program submission for failure to use such standards, and it would thus be inconsistent with applicable law for EPA to use voluntary consensus standards in place of a program submission that otherwise satisfies the provisions of the Act. Therefore, the requirements of section 12(d) of the NTTA do not apply.

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

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 9, 2005.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*  
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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 63**

[OAR–2003–0138, FRL–8017–4]

RIN 2060–AM77

##### **National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)**

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

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

**SUMMARY:** On November 14, 2005, at 70 FR 69210, EPA proposed amendments to the “National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (Non-Gasoline)”

and provided a 45-day public comment period. Written comments on the proposed rule amendments were to be submitted to the EPA on or before December 29, 2005. We have received requests asking for an extension of the public comment period. In consideration of these concerns, the EPA is extending the comment period by 21 days (until January 19, 2006).

**DATES:** Comments must be received on or before January 19, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2003-0138, by one of the following methods:

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

- Email: *a-and-r-*

*docket@epamail.epa.gov*.

- Fax: (202) 566-1741.

- Mail: Air and Radiation Docket and Information Center (6102), Attention: Docket ID No. EPA-HQ-OAR-2003-0138, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two (2) copies. The EPA requests that a separate copy be sent to the contact person listed under the **FOR FURTHER INFORMATION CONTACT** section.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2003-0138. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-1742. The 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 Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

**Submitting CBI:** Do not submit this information to EPA through <http://www.regulations.gov> or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** Ms. Martha Smith, Waste and Chemical Processes Group, Emission Standards Division (C439-03), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2421, fax number (919) 541-0246, email address: [smith.martha@epa.gov](mailto:smith.martha@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Organic Liquids Distribution rule was issued on February 3, 2004 (69 FR 5038). On November 14, 2005, at 70 FR 69210, EPA proposed amendments to the "National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (Non-Gasoline)" and provided a 45-day public comment period. Written comments on the proposed rule amendments were to be submitted to the EPA on or before December 29, 2005 (a 45-day public comment period). Requests have been received asking for an extension of the public comment period beyond the 45 days originally provided. These requests have been made by businesses that will be affected by the proposed rule amendments. Their request for this extension is based on the fact that Thanksgiving and Christmas holidays occur during the comment period which would cause hardship on their ability to provide timely and useful comments. In consideration of these concerns, the EPA is extending the comment period by 21 days (until January 19, 2006) in order to give all interested persons the opportunity to comment fully.

Dated: December 22, 2005.

**William L. Wehrum,**

*Acting Assistant Administrator for Air and Radiation.*

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