

122.21 (and authorized at 40 CFR 122.28), and then petition the Environmental Appeals Board to review any conditions of the individual permit (40 CFR 124.19 as modified on May 15, 2000, 65 FR 30886).

**ADDRESSES:** Public comments or requests for a public hearing should be sent to: Greg Davis (8P-W-WW); Attention: NPDES Permits; U.S. EPA, Region 8; 999 18th Street, Suite 200; Denver, CO 80202-2466. Public comments will also be accepted via electronic mail (E-mail) at [davis.gregory@epa.gov](mailto:davis.gregory@epa.gov).

**Public Comment Period:** Public comments are invited. Comments must be received or postmarked no later than January 10, 2007. Comments should be sent to: Greg Davis at the above address. Each comment should cite the page number and, where possible, the section(s) and/or paragraph(s) in the draft permit or Fact Sheet to which each comment refers. Commenters should use a separate paragraph for each issue discussed.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the draft permit and Fact Sheet or for further information on the draft permit, contact either Greg Davis (303) 312-6314 ([davis.gregory@epa.gov](mailto:davis.gregory@epa.gov)) at the above address or Ellen Bonner, (303) 312-6371 ([bonner.ellen@epa.gov](mailto:bonner.ellen@epa.gov)), at U.S. EPA Region 8 (8P-W-WW); 999 18th Street, Suite 200; Denver, CO 80202-2466. Copies of the draft permit and Fact Sheet may be downloaded from the EPA Region 8 Web site at <http://www.epa.gov/region8/water/stormwater>.

**SUPPLEMENTARY INFORMATION:** When the final general permit is issued, it will be published by reference in the **Federal Register**. The general permit will be effective on the date specified in the **Federal Register** with an expiration five years from such date.

**Administrative Record:** The proposed general permit and other related documents in the administrative record are on file in the EPA Region 8 NPDES file room and may be inspected upon request any time between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays, at the following address: U.S. EPA, Region 8; 999 18th Street, Suite 200; Denver, CO 80202-2466. Requests to view files in the Region 8 NPDES file room should be sent to Ellen Bonner, (303) 312-6371 ([bonner.ellen@epa.gov](mailto:bonner.ellen@epa.gov)).

**OMB Review:** Issuance of an NPDES general permit is not subject to rulemaking requirements, including the requirement for a general notice of final rulemaking, under Administrative Procedure Act (APA) Section 533 or any

other law, and is thus also not subject to the Regulatory Flexibility Act (RFA) and the Unfunded Mandates Reform Act (UMRA) requirements.

The APA defines two broad categories of agency action—"rules" and "orders." Its definition of "rule" encompasses "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency \* \* \*" APA section 551(4). Its definition of "order" is residual: "a final disposition \* \* \* of an agency in a matter other than rule making but including licensing." APA section 551(6) (emphasis added). The APA defines "license" to "include \* \* \* an agency permit \* \* \*" APA section 551(8). The APA thus categorizes a permit as an order, which by the APA's definition is not a rule. Section 553 of the APA establishes "rule making" requirements. The APA defines "rule making" as "the agency process for formulating, amending, or repealing a rule." APA section 551(5). By its terms, then, section 533 applies only to "rules" and not also to "orders," which include permits.

**Paperwork Reduction Act:** EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: November 29, 2006.

**Carol L. Campbell,**

*Acting Assistant Regional Administrator,  
Office of Partnerships and Regulatory Assistance.*

[FR Doc. E6-20986 Filed 12-8-06; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8253-7]

### Notice of Approval of the Primacy Application for National Primary Drinking Water Regulations for the State of Nebraska

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

**ACTION:** Notice of approval and solicitation of requests for a public hearing.

**SUMMARY:** The Environmental Protection Agency (EPA) is hereby giving notice that the State of Nebraska is revising its approved Public Water Supply Supervision Program under the Nebraska Department of Health and Human Services. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these program revisions.

**DATES:** This determination to approve the Nebraska program revision is made pursuant to 40 CFR 142.12(d)(3). This determination shall become final and effective on January 10, 2007, unless (1) a timely and appropriate request for a public hearing is received or (2) the Regional Administrator elects to hold a public hearing on his own motion. Any interested person, other than federal agencies, may request a public hearing. A request for a public hearing must be submitted to the Regional Administrator at the EPA Region 7 address shown below by January 10, 2007. If a substantial request for a public hearing is made within the requested 30-day time frame, a public hearing will be held and a notice will be given in the **Federal Register** and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. All interested parties may request a public hearing on the approval to the Regional Administrator at the EPA Region 7 address shown below.

**ADDRESSES:** Any request for a public hearing shall include the following information: (1) Name, address, and telephone number of the individual organization or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement about the information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity. Requests for Public Hearing shall be addressed to: Regional Administrator, U.S. Environmental Protection Agency Region 7, 901 North 5th Street, Kansas City, KS 66101.

All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, at the following offices: Nebraska Department of Health and Human Services, Department of Regulation and Licensure, Environmental Health

Service, 301 Centennial Mall South, 3rd Floor, P.O. Box 95007, Lincoln, NE 68509.

U.S. Environmental Protection Agency Region 7, Water, Wetlands and Pesticides Division, Drinking Water Management Branch, 901 North 5th Street, Kansas City, KS 66101.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth L. Deason, EPA Region 7, Drinking Water Management Branch, (913) 551-7585 or toll-free at 800-223-0425, or by e-mail at [deason.ken@epa.gov](mailto:deason.ken@epa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that EPA has determined to approve an application by the Nebraska Department of Health and Human Services to incorporate the following EPA National Primary Drinking Water Regulations: (1) Arsenic and Clarifications to Compliance and New Source Monitoring Rule (January 22, 2001, 66 FR 6975); (2) Filter Backwash Recycling Rule (June 8, 2001, 66 FR 31086); (3) Lead and Copper Rule Minor Revisions (January 12, 2000, 65 FR 1950); (4) Long Term 1 Enhanced Surface Water Treatment Rule (January 14, 2002, 67 FR 1812); (5) Public Notification Rule (May 4, 2000, 65 FR 25982); (6) Radionuclides Rule (December 7, 2000, 65 FR 76708); and (7) Variance and Exemption Rule (August 14, 1998, 63 FR 43834). The application demonstrates that Nebraska has adopted drinking water regulations that satisfy the National Primary Drinking Water Regulations. EPA has determined that Nebraska's regulations are no less stringent than the corresponding federal regulations and that Nebraska continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

(Authority: Section 1413 of the Safe Drinking Water Act, as amended and 40 CFR 142.10, 142.12(d) and 142.13)

Dated: November 20, 2006.

**John B. Askew,**

*Regional Administrator, Region 7.*

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**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8253-8]

**Notice of Approval of the Primacy Application for National Primary Drinking Water Regulations for the State of Kansas**

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

**ACTION:** Notice of approval and solicitation of requests for a public hearing.

**SUMMARY:** The Environmental Protection Agency (EPA) is hereby giving notice that the State of Kansas is revising its approved Public Water Supply Supervision Program under the Kansas Department of Health and Environment. The EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, the EPA intends to approve these program revisions.

**DATES:** This determination to approve the Kansas program revision is made pursuant to 40 CFR 142.12(d)(3). This determination shall become final and effective on January 10, 2007, unless (1) a timely and appropriate request for a public hearing is received or (2) the Regional Administrator elects to hold a public hearing on his own motion. Any interested person, other than Federal Agencies, may request a public hearing. A request for a public hearing must be submitted to the Regional Administrator at the address shown below by January 10, 2007. If a substantial request for a public hearing is made within the requested thirty-day time frame, a public hearing will be held and a notice will be given in the **Federal Register** and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. All interested parties may request a public hearing on the approval to the Regional Administrator at the EPA Region 7 address shown below.

**ADDRESSES:** Any request for a public hearing shall include the following information: (1) Name, address and telephone number of the individual organization or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity. Requests for Public Hearing shall be addressed to: Regional Administrator, Environmental Protection Agency—Region 7, 901 North 5th Street, Kansas City, Kansas 66101.

All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Kansas Department of Health and Environment,

Bureau of Water, Public Water Supply Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

Environmental Protection Agency—Region 7, Water Wetlands and Pesticides Division, Drinking Water Management Branch, 901 North 5th Street, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:**

Neftali Hernandez-Santiago, Environmental Protection Agency—Region 7, Drinking Water Management Branch, (913) 551-7036, or by e-mail at [hernandez-santiago.neftali@epa.gov](mailto:hernandez-santiago.neftali@epa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the EPA has determined to approve an application by the Kansas Department of Health and Environment to incorporate the following EPA National Primary Drinking Water Regulations: (1) Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (January 22, 2001, 66 FR 6975); (2) Consumer Confidence Reports Rule (August 19, 1998, 63 FR 44511); (3) Filter Backwash Recycling Rule (June 8, 2001, 66 FR 31085); (4) Interim Enhanced Surface Water Treatment Rule (December 16, 1998, 63 FR 69477); (5) Lead and Copper Rule Minor Revisions (January 12, 2000, 65 FR Page 1949); (6) Long Term 1 Enhanced Surface Water Treatment Rule (January 14, 2002, 67 FR 1811); (7) Public Notification Rule (May 4, 2000, 65 FR 25981); (8) Radionuclides Rule (December 7, 2000, 65 FR 76707); and (9) Stage 1 Disinfectants and Disinfection Byproducts Rule (December 16, 1998, 63 FR 69389). The application demonstrates that Kansas has adopted drinking water regulations which satisfy the National Primary Drinking Water Regulations. The EPA has determined that Kansas's regulations are no less stringent than the corresponding Federal regulations and that Kansas continues to meet all requirements for primary enforcement responsibility.

(Authority: Section 1413 of the Safe Drinking Water Act, as amended, and 40 CFR 142.10, 142.12(d) and 142.13)

Dated: November 20, 2006.

**John B. Askew,**

*Regional Administrator, Region 7.*

[FR Doc. E6-20983 Filed 12-8-06; 8:45 am]

**BILLING CODE 6560-50-P**

**FARM CREDIT ADMINISTRATION**

**Farm Credit Administration Board; Regular Meeting**

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the