

Alaska Native and Native Hawaiian-Serving Institutions, and other institutions with a substantial enrollment of needy students as defined in Title III of the HEA; Two-year public institutions of higher education; Four-year public institutions of higher education; Private, non-profit institutions of higher education; Private, for-profit institutions of higher education; Guaranty agencies and guaranty agency servicers (including collection agencies); Lenders, secondary markets, and loan servicers; and Accrediting Agencies.

In addition to these groups, the Department would like the following groups to be represented on the negotiating committee for the ACG and National SMART Grant program:

K-12 public schools, including charter schools; Governors; Private schools and home schooled students; Registrars; Admissions officers; Parent organizations; and Organizations related to National SMART Grant majors.

While an individual selected to represent a constituency may be a representative of a group, institution, or industry participant, the individual will be expected to represent the interests of the entire constituency on the committee and to confer with other individuals and representatives of groups within that constituency.

Nominations should include:

- The name of the nominee, the organization he or she works for, if any, and a description of the interests that he or she represents;
- Evidence of support from individuals or groups of the constituency that he or she will represent;
- The nominee's commitment that he or she will actively participate in good faith in the development of the proposed regulations; and
- The nominee's contact information, including address, phone number, fax number, and e-mail address.

Schedule for Negotiations

We anticipate that the negotiating committees will meet in the Washington, DC, area three times beginning in December 2006 and concluding no later than March 2007. The dates and locations of these meetings will be published in a subsequent notice in the **Federal Register**, as well as being posted on the Department's Web site at: <http://www.ed.gov/policy/highered/reg/hearulemaking/2006/index2006.html>.

We will post the schedule for negotiations on our Web site. Each committee will use electronic mail to exchange documents and discuss

proposals between meetings. The schedule will allow sufficient time for us to provide the public with a 60-day comment period for the proposed regulations resulting from the negotiated rulemaking process and sufficient time to address any issues raised in the comment period, while meeting the November 1 statutory deadline for publishing student financial assistance final regulations.

Regional Hearings

We will hold four public regional hearings for interested parties to discuss the agenda for the negotiated rulemaking sessions. These hearings will be held on:

- September 19, 2006, at the University of California-Berkeley in Berkeley, California;
- October 5, 2006, at the Loyola University in Chicago, Illinois;
- November 2, 2006, at the Royal Pacific Hotel Conference Center in Orlando, Florida; and
- November 8, 2006, at the U.S. Department of Education in Washington, DC.

The regional hearings will be held from 9 a.m.–4 p.m. local time.

Individuals desiring to present comments at the hearings are encouraged to do so. It is likely that each participant choosing to make a statement will be limited to five minutes. Individuals interested in making oral statements will be able to sign up to make a statement beginning at 8:30 a.m. on the day of the hearing at the Department's regional hearing on-site registration table on a first-come, first-served basis. If additional time slots remain, individuals may be given additional time to speak. If no time slots remain, the Department has reserved one additional hour at the end of the day for people who were not able to register to speak. The amount of time available will depend upon the number of individuals who request reservations. Speakers may also submit written comments.

In addition, for anyone unable to attend any of the regional hearings, the Department will also accept written comments. You should send your comments to: Wendy Macias, U.S. Department of Education, P.O. Box 33184, Washington, DC 20033-3184. All comments must be received by November 9, 2006.

The regional hearing sites are accessible to individuals with disabilities. Persons needing an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in alternative format), should notify the

contact person for information about meetings listed under **FOR FURTHER INFORMATION CONTACT** in this notice in advance of the scheduled meeting date. Although we will attempt to meet any request we receive, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it. Further information on the regional hearing sites is available on <http://www.ed.gov/policy/highered/reg/hearulemaking/2006/index2006.html>.

Electronic Access to This Document

You may view this document, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office toll free at 1-888-293-6498; or in the Washington, DC area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Program Authority: 20 U.S.C. 1098a.

Dated: August 15, 2006.

James F. Manning,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. E6-13642 Filed 8-17-06; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[OAR-2004-0091; FRL-8211-3]

Outer Continental Shelf Air Regulations Consistency Update for California

AGENCY: Environmental Protection Agency, EPA.

ACTION: Proposed rule—Consistency Update.

SUMMARY: EPA is proposing to update a portion of the Outer Continental Shelf ("OCS") Air Regulations. Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area ("COA"), as mandated by section 328(a)(1) of the Clean Air Act, as amended in 1990 ("the

Act"). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources by the Ventura County Air Pollution Control District (Ventura County APCD). The intended effect of approving the OCS requirements for the Ventura County APCD is to regulate emissions from OCS sources in accordance with the requirements onshore. The change to the existing requirements discussed below is proposed to be incorporated by reference into the Code of Federal Regulations and is listed in the appendix to the OCS air regulations.

DATES: Any comments must arrive by September 18, 2006.

ADDRESSES: Submit comments, identified by docket number OAR-2004-0091, by one of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions.

1. E-mail: steckel.andrew@epa.gov.

2. 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: Cynthia Allen, Air Division (Air-4), U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 947-4120, allen.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background information

A. Why Is EPA Taking This Action?

On September 4, 1992, EPA promulgated 40 CFR part 55,¹ which established requirements to control air pollution from OCS sources in order to attain and maintain Federal and State ambient air quality standards and to comply with the provisions of part C of title I of the Act. Part 55 applies to all OCS sources offshore of the States except those located in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the Act requires that for such sources located within 25 miles of a State's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to §§ 55.12 of the OCS rule, consistency reviews will occur (1) at least annually; (2) upon receipt of a Notice of Intent under §§ 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in part 55. This proposed action is being taken in response to the submittal of requirements submitted by the Ventura County APCD. Public comments received in writing within 30 days of publication of this document will be considered by EPA before publishing a final rule.

Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore requirements. To comply with this

¹ The reader may refer to the Notice of Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulation.

statutory mandate, EPA must incorporate applicable onshore rules into part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. EPA's Evaluation

A. What Criteria Were Used To Evaluate Rules Submitted To Update 40 CFR Part 55?

In updating 40 CFR part 55, EPA reviewed the rules submitted for inclusion in part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the Act, that they are not designed expressly to prevent exploration and development of the OCS and that they are applicable to OCS sources. 40 CFR 55.1. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. 40 CFR 55.12 (e). In addition, EPA has excluded administrative or procedural rules,² and requirements that regulate toxics which are not related to the attainment and maintenance of federal and state ambient air quality standards.

B. What Requirements Were Submitted To Update 40 CFR Part 55?

1. After review of the requirements submitted by the Ventura County APCD against the criteria set forth above and in 40 CFR part 55, EPA is proposing to make the following District requirements applicable to OCS sources:

² Each COA which has been delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements. 40 CFR 55.14(c)(4).

Rule No.	Name	Adoption or amended date
11	Definitions for Regulation II	03/14/06
26	New Source Review—General	03/14/06
26.1	New Source Review—Definitions	03/14/06
26.2	New Source Review—Requirements	03/14/06
26.3	New Source Review—Exemptions	03/14/06
26.6	New Source Review—Calculations	03/14/06
29	Conditions on Permits	03/14/06

III. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled “Regulatory Planning and Review.”

B. Paperwork Reduction Act

This 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.*)

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must

prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (*Federalism*) and 12875 (*Enhancing the Intergovernmental Partnership*). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that 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.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance

costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will 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, because it merely approves 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is

determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical

standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Continental shelf, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 28, 2006. Alexis Strauss, Acting Regional Administrator, Region IX.

Title 40 Chapter I of the Code of Federal Regulations, is proposed to be amended as follows:

PART 55—[AMENDED]

1. The authority citation for part 55 continues to read as follows:

Table listing rules and their effective dates: Rule 2 Definitions (Adopted 4/13/04), Rule 5 Effective Date (Adopted 4/13/04), Rule 6 Severability (Adopted 11/21/78), Rule 7 Zone Boundaries (Adopted 6/14/77), Rule 10 Permits Required (Adopted 4/13/04), Rule 11 Definition for Regulation II (Adopted 3/14/06), Rule 12 Application for Permits (Adopted 6/13/95), Rule 13 Action on Applications for an Authority to Construct (Adopted 6/13/95), Rule 14 Action on Applications for a Permit to Operate (Adopted 6/13/95), Rule 15.1 Sampling and Testing Facilities (Adopted 10/12/93), Rule 16 BACT Certification (Adopted 6/13/95), Rule 19 Posting of Permits (Adopted 5/23/72), Rule 20 Transfer of Permit (Adopted 5/23/72), Rule 23 Exemptions from Permits (Revised 4/13/04), Rule 24 Source Recordkeeping, Reporting, and Emission Statements (Adopted 9/15/92), Rule 26 New Source Review (Adopted 3/14/06), Rule 26.1 New Source Review—Definitions (Adopted 3/14/06), Rule 26.2 New Source Review—Requirements (Adopted 3/14/06), Rule 26.3 New Source Review—Exemptions (Adopted 3/14/06), Rule 26.6 New Source Review—Calculations (Adopted 3/14/06), Rule 26.8 New Source Review—Permit To Operate (Adopted 10/22/91), Rule 26.10 New Source Review—PSD (Adopted 1/13/98), Rule 26.11 New Source Review—ERC Evaluation At Time of Use (Adopted 5/14/02), Rule 28 Revocation of Permits (Adopted 7/18/72), Rule 29 Conditions on Permits (Adopted 3/14/06), Rule 30 Permit Renewal (Adopted 4/13/04), Rule 32 Breakdown Conditions: Emergency Variances, A., B.1., and D. only. (Adopted 2/20/79), Rule 33 Part 70 Permits—General (Adopted 10/12/93), Rule 33.1 Part 70 Permits—Definitions (Adopted 4/10/01), Rule 33.2 Part 70 Permits—Application Contents (Adopted 4/10/01), Rule 33.3 Part 70 Permits—Permit Content (Adopted 4/10/01), Rule 33.4 Part 70 Permits—Operational Flexibility (Adopted 4/10/01), Rule 33.5 Part 70 Permits—Time frames for Applications, Review and Issuance (Adopted 10/12/93), Rule 33.6 Part 70 Permits—Permit Term and Permit Reissuance (Adopted 10/12/93), Rule 33.7 Part 70 Permits—Notification (Adopted 4/10/01), Rule 33.8 Part 70 Permits—Reopening of Permits (Adopted 10/12/93).

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401 et seq.) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e)(3)(ii)(H) to read as follows:

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

- (e) * * *
(3) * * *
(ii) * * *

(H) Ventura County Air Pollution Control District Requirements Applicable to OCS Sources.

Appendix A to Part 55—[Amended]

3. Appendix A to part 55 is amended by revising paragraph (b)(8) under the heading "California" to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State

* * * * *

California

* * * * *

(b) * * *

(8) The following requirements are contained in Ventura County Air Pollution Control District Requirements Applicable to OCS Sources:

Rule 33.9	Part 70 Permits—Compliance Provisions (Adopted 4/10/01).
Rule 33.10	Part 70 Permits—General Rule 70 Permits (Adopted 10/12/93).
Rule 34	Acid Deposition Control (Adopted 3/14/95).
Rule 35	Elective Emission Limits (Adopted 11/12/96).
Rule 36	New Source Review—Hazardous Air Pollutants (Adopted 10/6/98).
Rule 42	Permit Fees (Adopted 4/12/05).
Rule 44	Exemption Evaluation Fee (Adopted 9/10/96).
Rule 45	Plan Fees (Adopted 6/19/90).
Rule 45.2	Asbestos Removal Fees (Adopted 8/4/92).
Rule 47	Source Test, Emission Monitor, and Call-Back Fees (Adopted 6/22/99).
Rule 50	Opacity (Adopted 4/13/04).
Rule 52	Particulate Matter-Concentration (Adopted 4/13/04).
Rule 53	Particulate Matter-Process Weight (Adopted 4/13/04).
Rule 54	Sulfur Compounds (Adopted 6/14/94).
Rule 56	Open Burning (Revised 11/11/03).
Rule 57	Incinerators (Adopted 1/11/05).
Rule 57.1	Particulate Matter Emissions From Fuel Burning Equipment (Adopted 1/11/05).
Rule 62.7	Asbestos—Demolition and Renovation (Adopted 6/16/92).
Rule 63	Separation and Combination of Emissions (Adopted 11/21/78).
Rule 64	Sulfur Content of Fuels (Adopted 4/13/99).
Rule 67	Vacuum Producing Devices (Adopted 7/5/83).
Rule 68	Carbon Monoxide (Adopted 4/13/04).
Rule 71	Crude Oil and Reactive Organic Compound Liquids (Adopted 12/13/94).
Rule 71.1	Crude Oil Production and Separation (Adopted 6/16/92).
Rule 71.2	Storage of Reactive Organic Compound Liquids (Adopted 9/26/89).
Rule 71.3	Transfer of Reactive Organic Compound Liquids (Adopted 6/16/92).
Rule 71.4	Petroleum Sumps, Pits, Ponds, and Well Cellars (Adopted 6/8/93).
Rule 71.5	Glycol Dehydrators (Adopted 12/13/94).
Rule 72	New Source Performance Standards (NSPS). (Adopted 9/13/05).
Rule 73	National Emission Standards for Hazardous Air Pollutants (NESHAPS). (Adopted 9/13/05).
Rule 74	Specific Source Standards (Adopted 7/6/76).
Rule 74.1	Abrasive Blasting (Adopted 11/12/91).
Rule 74.2	Architectural Coatings (Adopted 11/13/01).
Rule 74.6	Surface Cleaning and Degreasing (Revised 11/11/03—effective 7/1/04).
Rule 74.6.1	Batch Loaded Vapor Degreasers (Adopted 11/11/03—effective 7/1/04).
Rule 74.7	Fugitive Emissions of Reactive Organic Compounds at Petroleum Refineries and Chemical Plants (Adopted 10/10/95).
Rule 74.8	Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83).
Rule 74.9	Stationary Internal Combustion Engines (Adopted 11/8/05).
Rule 74.10	Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 3/10/98).
Rule 74.11	Natural Gas-Fired Residential Water Heaters Control of NO _x (Adopted 4/9/85).
Rule 74.11.1	Large Water Heaters and Small Boilers (Adopted 9/14/99).
Rule 74.12	Surface Coating of Metal Parts and Products (Adopted 11/11/03).
Rule 74.15	Boilers, Steam Generators and Process Heaters (Adopted 11/8/94).
Rule 74.15.1	Boilers, Steam Generators and Process Heaters (Adopted 6/13/00).
Rule 74.16	Oil Field Drilling Operations (Adopted 1/8/91).
Rule 74.20	Adhesives and Sealants (Adopted 1/11/05).
Rule 74.23	Stationary Gas Turbines (Adopted 1/08/02).
Rule 74.24	Marine Coating Operations (Revised 11/11/03).
Rule 74.24.1	Pleasure Craft Coating and Commercial Boatyard Operations (Adopted 1/08/02).
Rule 74.26	Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94).
Rule 74.27	Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94).
Rule 74.28	Asphalt Roofing Operations (Adopted 5/10/94).
Rule 74.30	Wood Products Coatings (Revised 11/11/03).
Rule 75	Circumvention (Adopted 11/27/78).
Rule 101	Sampling and Testing Facilities (Adopted 5/23/72).
Rule 102	Source Tests (Adopted 4/13/04).
Rule 103	Continuous Monitoring Systems (Adopted 2/9/99).
Rule 154	Stage 1 Episode Actions (Adopted 9/17/91).
Rule 155	Stage 2 Episode Actions (Adopted 9/17/91).
Rule 156	Stage 3 Episode Actions (Adopted 9/17/91).
Rule 158	Source Abatement Plans (Adopted 9/17/91).
Rule 159	Traffic Abatement Procedures (Adopted 9/17/91).
Rule 220	General Conformity (Adopted 5/9/95).
Rule 230	Notice to Comply (Adopted 11/9/99).

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[FR Doc. E6-13620 Filed 8-17-06; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR**Bureau of Reclamation****43 CFR Part 415****RIN 1006-AA50****Regulating Non-Contract Use of Colorado River Water in the Lower Basin****AGENCY:** Bureau of Reclamation, Interior.**ACTION:** Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Reclamation (Reclamation) is providing advance notice and is seeking public input on its plans to develop a rule to address and reduce the use of Colorado River water in the lower Colorado River basin (Lower Basin) without a contract (Non-Contract Use). Reclamation believes that development of such a rule would help prevent Non-Contract Use from depleting the Colorado River and taking water from holders of Colorado River water entitlements. Reclamation intends that any rule would establish the procedure that Reclamation would follow in making determinations of potential Non-Contract Use including notice and administrative appeal procedures for those entities whose use of Colorado River water falls within the category of Non-Contract use.

DATES: Submit comments regarding whether a rule is needed and, what should be in any rule that is developed, to Reclamation at the address below on or before October 17, 2006.

ADDRESSES: You may submit comments identified by the number 1006-AA50, by any of the following methods:

—Federal rulemaking portal <http://www.regulations.gov>. Follow the instructions for submitting comments.

—E-mail: proposedrule@lc.usbr.gov.

—Fax: (702) 293-8042, attention: Ms. Margot Selig.

—Mail: Regional Director, Lower Colorado Region, Attention: Ms. Margot Selig, Bureau of Reclamation, P.O. Box 61470, Boulder City, NV 89006.

FOR FURTHER INFORMATION CONTACT: Ms. Margot Selig, telephone (702) 293-8192, or e-mail at proposedrule@lc.usbr.gov.

SUPPLEMENTARY INFORMATION: This section provides the public with information as to why Reclamation

currently believes development of a Non-Contract use rule is appropriate at this time.

Legal System For Use of Colorado River Water in the Lower Basin: The Colorado River is a primary source of water for irrigation, municipal, and industrial uses in the Lower Basin within Arizona, California, and Nevada (the Lower Division States). Colorado River water is stored behind Hoover Dam, authorized by the Boulder Canyon Project Act of 1928 (BCPA), for delivery and beneficial use in the United States. In addition, water stored by Hoover Dam is released pursuant to the United States' 1944 Treaty with Mexico addressing use of the Colorado, Rio Grande, and Tijuana Rivers.

The BCPA requires any person in the United States using this water to have a contract for such water with the Secretary of the Interior (Secretary). The Regional Director of Reclamation's Lower Colorado Region (Regional Director) enters into water delivery contracts with water users in Arizona, California, and Nevada on behalf of the Secretary. A valid water delivery contract constitutes an authorization by the Secretary, or an entitlement, to divert and consume Colorado River water in the Lower Basin. In addition to water delivery contracts, other entitlements to use Colorado River water are based on a United States Supreme Court Decree in *Arizona v. California* (Supreme Court Decree) or federal reservations of water. An entitlement to use Colorado River water (Entitlement) specifies how much water may be used, the purpose for which the water may be used, and where the use may occur. Reclamation considers any diversion or consumptive use of Colorado River water without a contract or other form of Entitlement to be a Non-Contract Use.

The Supreme Court Decree requires Reclamation to account for all mainstem Colorado River water use in the Lower Basin. Pursuant to this requirement, Reclamation prepares and maintains complete, detailed, and accurate records of all known diversions, return flow, and consumptive use of Colorado River water in the Lower Basin on an annual basis. These accounting records include all diversions and use of Colorado River water in Arizona, California, and Nevada, whether or not currently authorized by a water delivery contract or other form of Entitlement. All reported Colorado River water use in a state—whether authorized by an entitlement or not—is required by the Supreme Court Decree to be accounted for against the amount of Colorado River

water available in that state during that year.

Technical Issues Anticipated To Be Addressed by Rule: As part of the anticipated rule, Reclamation anticipates identifying technical considerations that Reclamation would use to determine if a particular entity is using Colorado River water. Reclamation's current assessment of the situation on the Colorado River is that most Non-Contract Use consists of water withdrawn from wells located within the hydraulically-connected aquifer of the Colorado River (River Aquifer) or from river pumps. The Supreme Court Decree specified that the consumptive use of Colorado River water in the Lower Basin includes water drawn from the mainstream by underground pumping.

At Reclamation's request the United States Geological Survey (USGS) has developed a technical method to identify wells that pump water that is replaced by Colorado River water. The method is based on the existence of a River Aquifer and an accounting surface within the River Aquifer. The accounting surface extends outward from the exterior boundary of the Colorado River floodplain until encountering a geologic barrier to groundwater flow. Several thousand wells are located within the River Aquifer. The USGS is performing a well inventory within the boundary of the River Aquifer to identify wells and river pumps that can potentially divert water that would be replaced by Colorado River water. As part of the anticipated rule, Reclamation would utilize this accounting surface to define the area within which Reclamation would apply the USGS method to determine whether water withdrawn from a well is replaced with Colorado River water. Reclamation would also evaluate whether unique hydrologic circumstances in some areas along the Colorado River would merit an exception to the USGS methodology.

Need for Rule To Regulate Non-Contract Use of Colorado River Water in the Lower Basin: Reclamation's goal in its management of the lower Colorado River is to ensure that all Colorado River water use is covered by an Entitlement and correctly accounted for within each Lower Division State's apportionment. Because each Lower Division State's apportionment of Colorado River water is a limited amount, Non-Contract Use harms that state's Entitlement holders by taking water the Entitlement holders otherwise could legally use. This fact leads Reclamation to conclude that the proposed rulemaking is necessary and appropriate. Reclamation believes that development of the proposed rule is