

*Regulatory Flexibility Act*

The Department of the Interior certifies that this 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.*). The State submittal that is the subject of this rule is based on counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State or local governmental agencies; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

*Unfunded Mandates*

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

**List of Subjects in 30 CFR Part 938**

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 21, 2006.

**H. Vann Weaver,**

*Acting Regional Director, Appalachian Region.*

[FR Doc. E6-7815 Filed 5-22-06; 8:45 am]

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**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****33 CFR Parts 325 and 332****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 230**

[EPA-HQ-OW-2006-0020; FRL-8173-4]

**RIN 0710-AA55**

**Compensatory Mitigation for Losses of Aquatic Resources**

**AGENCIES:** U.S. Army Corps of Engineers, DoD; and Environmental Protection Agency.

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

**SUMMARY:** On March 28, 2006, the U.S. Army Corps of Engineers (the Corps) and the Environmental Protection Agency (EPA) published a proposed rule to revise regulations governing compensatory mitigation for activities authorized by permits issued by the Department of the Army. The Corps and EPA announce the extension of the public comment period for this proposed rule until June 30, 2006. The 30-day extension of the comment period is a result of requests from a number of entities to allow more time to comment on the proposed rule. Comments previously submitted need not be resubmitted, as they have already been incorporated into the public record and will be fully considered in the final rule. **DATES:** Public comments are now due by June 30, 2006.

**ADDRESSES:** You may submit comments, identified by docket number EPA-HQ-OW-2006-0020 and/or RIN 0710-AA55, by any of the following methods:

- Federal eRulemaking Portal (recommended method of comment submission): <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- E-mail:

[ow-docket@epamail.epa.gov](mailto:ow-docket@epamail.epa.gov). Include the docket number, EPA-HQ-OW-2006-0020, and/or the RIN number, 0710-AA55, in the subject line of the message.

- Mail: USEPA Docket Center, Attention Docket Number EPA-HQ-OW-2006-0020, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- Hand Delivery: USEPA Docket Center, Room B102, EPA West, Attention: Docket Number EPA-HQ-OW-2006-0020, 1301 Constitution Ave., NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Instructions for submitting comments are provided in the proposed rule published on March 28, 2006 (71 FR 15520). Consideration will be given to all comments received by June 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson at 202-761-4922 or by e-mail at [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil), or Mr. Palmer Hough at 202-566-8323 or by e-mail at [mitigationrule@epa.gov](mailto:mitigationrule@epa.gov). Information can also be found at the EPA compensatory mitigation Web page at: <http://www.epa.gov/wetlandsmitigation>.

**SUPPLEMENTARY INFORMATION:** In the March 28, 2006, issue of the **Federal Register** (71 FR 15520), the Corps and EPA published a proposed rule revising regulations governing compensatory mitigation for activities authorized by permits issued by the Department of the Army. The proposed regulations are intended to establish performance standards and criteria for the use of permittee-responsible compensatory mitigation and mitigation banks, and to improve the quality and success of compensatory mitigation projects for activities authorized by Department of the Army permits. The proposed regulations are also intended to account for regional variations in aquatic resource types, functions, and values, and apply equivalent standards to each type of compensatory mitigation to the maximum extent practicable. The proposed rule includes a watershed approach to improve the quality and success of compensatory mitigation projects in replacing losses of aquatic resource functions, services, and values resulting from activities authorized by Department of the Army permits.

Several entities have requested an extension of the comment period for the proposed rule. The Corps and EPA find that a 30-day extension of the comment period for this proposed rule is warranted. Therefore, the comment period for this proposed rule is extended until June 30, 2006.

Dated: May 16, 2006.

**John Paul Woodley, Jr.,**

*Assistant Secretary of the Army (Civil Works),  
Department of the Army.*

Dated: May 15, 2006.

**Benjamin H. Grumbles,**

*Assistant Administrator, Office of Water, U.S.  
Environmental Protection Agency.*

[FR Doc. E6-7837 Filed 5-22-06; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA-R05-OAR-2006-0002; FRL-8166-8]**

### **Approval and Promulgation of Air Quality Implementation Plans; Indiana**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to the Indiana particulate matter (PM<sub>10</sub>) State Implementation Plan (SIP). On December 15, 2005, Indiana requested revisions for sources at the ASF Keystone, Inc. (Keystone) coil spring manufacturing facility in Lake County, Indiana. The requested revisions will increase the PM<sub>10</sub> emission limit for one unit and reduce the limits for two units. The changes result in a net decrease in the allowable emissions. The emission limits for a fourth unit that has shut down are also being removed. Indiana also requested removing the process weight rate limits and using pounds of PM<sub>10</sub> per hour (lb/hr) as the short-term

emission limit. The maximum permissible PM<sub>10</sub> emissions will not increase after removing the process weight rate limits because of the net decrease in short-term emission limits.

**DATES:** Written comments must be received on or before June 22, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2006-0002, by one of the following methods:

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

- E-mail: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).

- Fax: (312) 886-5824.

- Mail: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

- Hand Delivery: John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Matt Rau, Environmental Engineer, Criteria

Pollutant Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, [rau.matthew@epa.gov](mailto:rau.matthew@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this 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. Any parties interested in commenting on this action should 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 severed 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 located in the Rules section of this **Federal Register**.

Dated: April 20, 2006.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 06-4764 Filed 5-22-06; 8:45 am]

**BILLING CODE 6560-50-P**