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).

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator 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*.).

Unfunded Mandates Reform Act

Because this rule approves 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 1995 (Public Law 104–4).

Executive Order 13175 Consultation and Coordination With Indian Tribal Governments

This 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 (59 FR 22951, November 9, 2000).

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 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.

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

This 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.

National Technology Transfer Advancement Act

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

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*.).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq*., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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. EPA will submit a report containing this rule and other required information 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 July 19, 2005. 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: May 11, 2005.

Norman Niedergang,

Acting Regional Administrator, Region 5.

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart X—Michigan

■ 2. Section 52.1174 is amended by adding paragraph (v) to read as follows:

§ 52.1174 Control Strategy: Ozone.

* * * * *

(v) Approval—On December 19, 2003, Michigan submitted an update to the Section 175(A) maintenance plan for the Southeast Michigan 1-hour ozone maintenance area, which consists of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties. This update addresses the second 10-year period of maintenance of the ozone standard in Southeast Michigan, which spans the years 2005 through 2015. The maintenance plan also revises the Motor Vehicle Emissions Budget (MVEB). For the year 2005, the MVEB for VOC is 218.1 tons per day (tpd), and the MVEB for NO_X is 412.9 tpd. For the year 2015, the MVEB for VOC is 172.8 tpd, and the MVEB for NO_X is 412.9 tpd.

[FR Doc. 05–10150 Filed 5–19–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

[WO–350–2520–24 1B]

RIN 1004–AD57

Land Use Planning; Correction

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains corrections to the final regulations that were published in the **Federal Register** on Wednesday, March 23, 2005, (70 FR 14561). The regulations related to cooperating agencies and cooperating agency status.

DATES: Effective on April 22, 2005.

FOR FURTHER INFORMATION CONTACT: Robert Winthrop at (202) 452–6597 or Mark Lambert at (202) 452–7763.

SUPPLEMENTARY INFORMATION:

Background

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and need to be clarified. The final regulations stated the corrections in singular form when some of the actual regulation text was in plural form. We need to make these corrections so that all of the necessary changes appear in the Code of Federal Regulations.

List of Subjects in 43 CFR Part 1600

Administrative practice and procedures, Environmental Impact Statements, Indians, Intergovernmental relations, Public lands.

■ Accordingly, 43 CFR part 1600 is corrected by making the following correcting amendments:

PART 1600—PLANNING, PROGRAMMING, BUDGETING

■ 1. The authority citation for part 1600 continues to read as follows:

Authority: 43 U.S.C. 1711–1712.

§ 1610.1 [Corrected]

■ 2. Section 1610.1(a)(1) is amended by removing the misspelled word ''suct'' and add in its place the word ''such.''

§ 1610.1 Resource management planning guidance [Amended]

■ 3. Amend § 1610.1(a)(1) and (b) by revising the phrases ''resource area'' and ''resource areas'' to read ''resource or field office area'' and ''resource or field office areas'', respectively.

§ 1610.2 [Amended]

■ 4. Amend § 1610.2(j) by removing the phrase ''District or Area Manager'' and adding the phrase ''Field Manager'' and removing the phrase ''Area or Field Manager'' and adding the phrase ''Field Manager.''

§ 1610.3–1 [Amended]

■ 5. Amend § 1610.3–1 by removing the phrase ''District Managers'' from paragraph (d) introductory text and adding in its place the phrase ''Field Manager.''

Dated: May 11, 2005.

Ian Senio,

Acting Group Manager, Regulatory Affairs.

[FR Doc. 05–10015 Filed 5–19–05; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1437 and 1452

RIN 1084–AA00

Woody Biomass Utilization

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule converts an interim final rule to a final rule, with minor adjustments in response to public comment. In addition, the numbering scheme was revised to conform to the existing regulatory structure. As a result of this rulemaking, Department of the Interior will allow service contractors to remove woody biomass generated as a result of land management service contracts whenever ecologically appropriate and in accordance with applicable law.

DATES: *Effective Date:* May 20, 2005.

FOR FURTHER INFORMATION CONTACT: Delia Emmerich, Office of Acquisition and Property Management, Department of the Interior at (202) 208–3348, or e-mail at *Delia_Emmerich@os.doi.gov.* Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION: On August 27, 2004, the Department published an interim final rule with request for comments at 69 FR 52607; the interim rule established procedures to allow service contractors to remove woody biomass generated as a result of land management service contracts whenever ecologically appropriate and in accordance with applicable law. This publication revises that rule in response to public comments. This rule establishes consistent and efficient procedures to allow contractors the option to remove woody biomass by-products from Department of the Interior land management activities. This option, where ecologically appropriate, will provide economic and social benefits by creating jobs and conserving natural resources. Removal or use of woody biomass will reduce smoke and emissions from prescribed and natural fires; preserve landfill capacities, reduce the threat of catastrophic wildfires to communities and public/private utilities; improve watershed and wildlife habitat protection; and improve forest, woodland, and rangeland health.

This final rule, while substantially the same as the interim final rule published on August 27, 2004, contains minor changes to respond to comments and to improve clarity. It is also reformatted to move the required contract clause to Part 1452 of 48 CFR.

I. Response to Public Comments

We received several comments from two sources. Our response to each comment follows, in order by section. The discussion of the comments shows the former section title and number, followed by the revised section number and (if different) title.

Section 1437.100 General (New § 1437.7200)

Comment: The woody biomass should stay where it is.

Response: The fundamental method of addressing forest health and hazardous fuel reduction strategies under the National Fire Plan and Healthy Forests Initiative is to remove small diameter trees. Contractors are cutting the trees to meet resource objectives. The removal is incidental to the project. The projects would occur whether or not there was an option for removal. The Rule simply makes these materials available for removal by contractors, rather than disposal through burning or other on-site disposal methods.

Comment: I oppose allowing the contractors to damage and destroy this area for their own enrichment.

Response: Contractors have been secured to provide a service to the federal agency, which includes the cutting or destruction of vegetation to meet a prescribed management objective, such as thinning small trees to improve forest growth or clearing of roads and building sites. Projects under Rule are developed under the requirements of the National Environment Policy Act, which is designed to ''prevent or eliminate damage to the environment * * *'' If damage beyond that anticipated in the NEPA analysis were to occur, by design this would be accidental. By the nature of these projects, the removal of the low-value biomass has very little if any commercial value. If the biomass had commercial value, the project would most likely be a timber/vegetative sales contract offering unrelated to the