

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

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, Public Law 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The EPA believes that VCS are inapplicable to this action.

This waiver of certain control requirements does not require the public to perform activities to which to the use of VCS would be relevant.

J. 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). This rule will be effective March 6, 2006.

K. Petitions for Judicial Review

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 April 4, 2006. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: January 27, 2006.

Stephen L. Johnson,
Administrator.

■ Part 52 of 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 U—Maine

■ 2. Section 52.1023 is amended by adding paragraph (d) to read as follows:

§ 52.1023 Control strategy: Ozone.

* * * * *

(d) *Approval.* EPA is approving an exemption request from the NO_x requirements contained in Section 182(f) of the Clean Air Act for northern Maine. The exemption request was submitted by the Maine Department of Environmental Protection on March 24, 2005, and supplemented on April 19 and June 28, 2005. This approval exempts major sources of nitrogen oxides in Aroostook, Franklin, Oxford, Penobscot, Piscataquis, Somerset, Washington, and portions of Hancock and Waldo Counties from the requirements to implement controls meeting reasonably available control technology under the Clean Air Act, and nonattainment area new source review (NSR) for new sources and modifications. In Waldo County, this area includes only the following towns: Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, Northport, Palermo, Prospect, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity, Waldo, and Winterport. In Hancock County, this area includes only the following towns and townships: Amherst, Aurora, Bucksport, Castine, Dedham, Eastbrook, Ellsworth, Franklin, Great Pond, Mariaville, Orland, Osborn, Otis, Penobscot, Verona, Waltham,

Oqiton Township (T4 ND), T3 ND, T39 MD, T40 MD, T41 MD, T32 MD, T34 MD, T35 MD, T28 MD, T22 MD, T16 MD, T8 SD, T9 SD, T10 SD, and T7 SD.

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LEGAL SERVICES CORPORATION

45 CFR Part 1631

Expenditure of Grant Funds

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule deletes in its entirety the Legal Services Corporation's regulation at 45 CFR part 1631, Expenditure of Grant Funds. The deletion is warranted because the statutory authority for part 1631 is no longer the prevailing rule of law.

DATES: This final rule becomes effective March 6, 2006.

FOR FURTHER INFORMATION CONTACT:

Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007; 202-295-1624 (ph); 202-337-6519 (fax); mcondray@lsc.gov.

SUPPLEMENTARY INFORMATION: Part 1631 provides that LSC grant recipients may not expend LSC funds except as in accordance with the restrictions and provisions contained in the Corporation's Fiscal Year 1986 appropriations measure (Pub. L. 99-180, 99 Stat. 1136), unless such funds are expended pursuant to a waiver from the Corporation. Part 1631 was promulgated in 1986 in response to Congressional concerns that some pre-1982 funds were being held by recipients and spent on activities which were not prohibited at the time the funds were appropriated, but which were later prohibited (and on which recipients could not spend currently appropriated funds). 51 FR 24826 (July 9, 1986).

In 2005, there is no longer any concern that recipients have any pre-1982 funds to spend. In addition, in 1996, Congress adopted new restrictions and provisions applicable to recipients of LSC funds which supersede the restrictions in Public Law 99-180. Public Law 104-134, 110 Stat. 1321. These restrictions have been incorporated by reference in each subsequent appropriation, including the current appropriation. Public Law 108-447, 118 Stat. 2809. These restrictions have been separately incorporated into LSC's regulations and removal of part 1631 will have no effect on the later

restrictions and provisions imposed by Public Law 104–134. *See, e.g.*, 45 CFR part 1610.

In light of the above, LSC published a Notice of Proposed Rulemaking (“NPRM”) on November 3, 2005 (70 FR 66814), proposing to remove and reserve part 1631 from Chapter XVI of Title 45 of the Code of Federal Regulations. LSC

received no comments on the NPRM. Accordingly, as part 1631 is now obsolete, LSC is deleting part 1631 in its entirety. LSC believes this action will streamline LSC’s regulations and avoid any potential confusion the continued existence of part 1631 might create.

PART 1631—[REMOVED AND RESERVED]

■ For reasons set forth above, and under the authority of 42 U.S.C. 2996g(e), LSC removes and reserves 45 CFR part 1631.

Victor M. Fortuno,

Vice President & General Counsel.

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