

Authority: 31 U.S.C. § 6301 to 6308; 42 U.S.C. § 2451, *et seq.*

■ 4. Amend § 1274.211 by revising paragraph (a) to read as follows:

§ 1274.211 Award procedures.

(a) In accordance with NFS 1805.303-71, the NASA Administrator shall be notified at least three (3) workdays before a planned public announcement for award of a cooperative agreement (regardless of dollar value), if it is thought the agreement may be of significant interest to Headquarters.

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[FR Doc. E6-17801 Filed 10-23-06; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 160

[USCG-2006-26016]

Notice of Arrival; Port or Place of Destination

AGENCY: Coast Guard, DHS.

ACTION: Notice of policy.

SUMMARY: The Coast Guard is announcing its policy regarding the term “port or place of destination” used in our notice of arrival regulations in 33 CFR Part 160, Subpart C. We are issuing this notice to provide clarification as to how that term will be used by Coast Guard personnel enforcing our notice of arrival regulations.

DATES: This notice is effective October 24, 2006.

FOR FURTHER INFORMATION CONTACT: If you have any questions regarding this document, contact Lieutenant Junior Grade Julie Miller, Office of Vessel Activities (G-PCV), Coast Guard, by e-mail, Julie.E.Miller@uscg.mil, or telephone 202-372-1244.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Representatives from the maritime industry have requested clarification of the definition of “port or place of destination” found in 33 CFR 160.204. This term is defined as “any port or place in which a vessel is bound to anchor or moor.” These requests for clarification arise from two situations.

First, while many vessels arriving at a port or place of destination when operating solely between ports or places within a single Captain of the Port (COTP) zone are exempt from submitting a notice of arrival (NOA), 33

CFR 160.203(b)(2), vessels carrying certain dangerous cargo (CDC) are not. A vessel carrying CDC must submit a NOA for any port or place of destination, including movements within a COTP zone. Because of confusion about the term “port or place of destination,” some vessels carrying CDC submit NOAs every time the vessel changes berths or piers in the same port in certain COTP zones, while others only submit NOAs when they depart the current port and enter another port within the same COTP zone.

Second, in some U.S. ports, after entering the port, transit time or distance to the berth is lengthy. Ports in Portland, OR, and New Orleans, LA, are two examples. In such situations the cognizant COTP may have an interest in when certain vessels arrive at the sea buoy or pilot station. In other U.S. ports, where transits are short or where the vessel must transit through another COTP zone to arrive at its intended berth (for example, transiting Hampton Roads, VA to get to Baltimore, MD) the COTP uses the vessel’s arrival time at the berth or dock as the basis for enforcing compliance with the NOA regulation submission requirements.

Policy

In the two situations described above, the Coast Guard will exercise its discretion in enforcing NOA regulations as follows.

A vessel required to submit a NOA for ports or places of destination within a single COTP zone (for example, a vessel carrying CDCs) need only do so if the vessel is actually moving from one port to another port within that COTP zone. The Coast Guard will not view the movement from one dock to another dock, one berth to another berth, or one anchorage to another anchorage within one port as being a transit from one “port or place of destination” to a different “port or place of destination.”

A sea buoy or pilot station for a port will not be considered the arrival point for a vessel bound to anchor or moor in that port unless either the sea buoy or pilot station is the actual location where the vessel is bound to anchor or moor. If, based on information about a particular vessel, a COTP finds it necessary to know when that vessel reaches a sea buoy or pilot station, under separate authority he or she may issue an appropriate order specific to that vessel. The order may direct the vessel operator to advise the COTP when the vessel arrives, or is estimated to arrive, at the sea buoy or pilot station. It is anticipated this authority will be exercised only when necessary and will be specific to a particular vessel.

Dated: October 13, 2006.

F.J. Sturm,

Captain, U.S. Coast Guard, Acting Director of Inspections and Compliance.

[FR Doc. E6-17822 Filed 10-23-06; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2006-0607; FRL-8233-2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; State Implementation Plan Revision for American Cyanamid Company, Havre de Grace, MD

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. The intended effect of this action is to remove an August 2, 1984 Secretarial Order (Order) from the Maryland SIP. The Order constituted a Plan for Compliance (PFC) and an alternative method of assessing compliance at an American Cyanamid Company (Company) facility located in Havre de Grace, Harford County, Maryland (the Facility). The Order allowed for certain volatile organic compound (VOC) emissions sources at the Facility to achieve compliance with emissions limits through averaging (or “bubbling”) of emissions over a 24-hour period. Removal of the Order from the SIP will remove the “bubbling” compliance option for these sources at the Facility. In lieu of “bubbling,” the sources must comply with the approved and more stringent Maryland SIP provisions for the control of VOC emissions, which do not allow averaging or “bubbling.” This action is being taken under the Clean Air Act (CAA or the Act).

EFFECTIVE DATE: This final rule is effective on November 24, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA R03-OAR-2006-0607. All documents in the docket are listed in the <http://www.regulations.gov> Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Neil Bigioni, (215) 814-2781, or by e-mail at bigioni.neil@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 23, 2006 (71 FR 49393), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of a SIP revision to remove the Order from the Maryland SIP. The formal SIP revision was submitted by Maryland on May 17, 2006.

The Order was approved into the Maryland SIP in a final rule published on May 16, 1990 (55 FR 20269). The Order provided the Company with a PFC and an alternative method of assessing compliance for certain installations located at the Facility by allowing the averaging or “bubbling” of the emissions of VOC over a 24-hour period. By allowing “bubbling” of VOC emissions the Company could over-control emissions at some units and under control at other units such that the overall emissions from the sources collectively would be the same as those that would be achieved utilizing traditional control strategies at each source. The VOC sources where “bubbling” was allowed at the Facility were components of the Facility’s paper and fabric adhesive coating operation, and included Towers 2, 3, and 5 and the FM-1000 coater/dryer.

II. Summary of SIP Revision

Removal of the Order from the SIP will subject the VOC emissions sources at the Facility that were formerly subject to the “bubbling” provisions of the Order to the Maryland VOC regulations and limits codified at Code of Maryland Regulations (COMAR) 26.11.19.07. Those COMAR regulations are part of the Maryland SIP (65 FR 2334, January 14, 2000). The materials submitted by Maryland in support of the SIP revision indicate that the Facility currently intends to comply with the SIP-approved VOC limits by reducing VOC emissions through use of a regenerative thermal oxidizer, as allowed by COMAR

26.11.19.02B(2)(b)(ii) and the Maryland SIP (68 FR 9012, February 27, 2003). This SIP revision will remove the current ability for the current owner of the Facility, Cytec Engineered Materials, Inc., to comply with VOC emissions limits for the sources subject to the Order through averaging or “bubbling” of VOC emissions. The SIP-approved limits codified at COMAR 26.11.19.07C do not allow for compliance through averaging/“bubbling.” The applicable COMAR 26.11.19.07C limits of 2.9 pounds of VOC per gallon of coating as applied (minus water), are also more stringent than the emissions limit of 3.2 pounds of VOC per gallon of coating as applied (minus water) imposed by the Order. No public comments were received on the NPR.

III. Final Action

EPA is approving the removal of the August 2, 1984 Secretarial Order as a revision to the Maryland SIP.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. For this reason, 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). 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.*). 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 affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). 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 (65 FR 67249, November 9, 2000). 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 requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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.

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. 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.*).

B. Submission to Congress and the Comptroller General

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today’s action under section 801 because this is a rule of particular applicability establishing source-

specific requirements for a named source.

C. 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 December 26, 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 approving the removal of the August 2, 1984 Secretarial Order as a revision to the Maryland SIP 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 16, 2006.

William Wisniewski,
Acting Regional Administrator, Region III.

■ For reasons set forth in the preamble, 40 CFR part 52 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 V—Maryland

■ 2. In § 52.1070, the table in paragraph (d) is amended by removing the entry for American Cyanamid Co.

[FR Doc. E6-17795 Filed 10-23-06; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1150 and 1180

[STB Ex Parte No. 659]

Public Participation in Class Exemption Proceedings

AGENCY: Surface Transportation Board, Transportation.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board is modifying the timeframes in its rules for certain class exemptions to provide greater public notice in advance

of the possible consummation of an exempt transaction. The proposed changes will ensure that the public is given notice of a proposed transaction before the exemption becomes effective; and that the Board may process such notices of exemption, and related petitions for stay, if any, in an orderly and timely fashion.

DATES: These rules are effective November 23, 2006.

ADDRESSES: Comments and material received from the public, as well as documents referred to herein, are part of STB Ex Parte No. 659 and are available for inspection or copying at the Board's Public Docket Room, Room 755, 1925 K Street, NW., Washington, DC 20423-0001, are posted on the Board's <http://www.stb.dot.gov> Web site, and are available from the Board's contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: asapdc@verizon.net; telephone number: 202-306-4004).

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The purpose for this rulemaking was set forth in the notice of proposed rulemaking (NPRM) served by the Board on March 10, 2006, and published in the **Federal Register** on March 16, 2006 (71 FR 13563-5). The Board is revising the class exemption procedures at 49 CFR 1150.31, *et seq.*, 49 CFR 1150.41, *et seq.*, and 49 CFR 1180.2(d), so that the exemptions will take effect 30 days (rather than 7 days) after a notice is filed, and **Federal Register** publication of the notice will precede the effective date of the exemption. The notice provisions at 49 CFR 1150.35 and 1150.45 (both of which involve transactions that would create a Class I or Class II carrier) also are revised, to allow transactions under these class exemptions to go forward in 45 days (rather than 21 days). The Board is adopting the changes as proposed in the NPRM. As indicated there, only the procedural timeframes for these rules are being revised—their scope, purpose and effect otherwise remain the same. This proceeding is based on the Board's exemption authority at 49 U.S.C. 10502.

Comments

The Board received comments on the proposed rules from the American Short Line and Regional Railroad Association; Association of American Railroads; John D. Fitzgerald; Genesee & Wyoming Inc.;

the State of New Jersey; Rail Conference, International Brotherhood of Teamsters; Rail Labor Division, Transportation Trades Department, AFL-CIO; and Watco Companies, Inc. A summary of this rulemaking proceeding and a discussion of the comments received in response to it, are set forth in the Board's decision served on October 19, 2006. That decision also provides a discussion of the Board's reasons for adopting the rules as originally proposed. For further information on the decision, interested parties should consult the Board's Web site at <http://www.stb.dot.gov>.

Regulatory Flexibility Analysis

The Board concludes that this action will not have a significant effect on a substantial number of small entities.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Parts 1150 and 1180

Administrative Practice and Procedure, Railroads.

Authority: 49 U.S.C. 10502 and 5 U.S.C. 553.

Decided: October 17, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, Commissioner Buttrey.

Vernon A. Williams,
Secretary.

■ For the reasons set forth in the preamble, the Surface Transportation Board amends parts 1150 and 1180 of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES.

■ 1. The authority citation for part 1150 continues to read as follows:

Authority: 49 U.S.C. 721(a), 10502, 10901, and 10902.

■ 2. Amend § 1150.32 as follows:

■ A. In paragraph (b), remove the words "30 days" and add, in their place the words "16 days".

■ B. In paragraph (b), remove the words "7 days" and add, in their place, the words "30 days".

■ C. In paragraph (c), add a new sentence to the end of the paragraph to read as follows:

§ 1150.32 Procedures and relevant dates—transactions that involve creation of Class III carriers.

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