

District, Bridge Branch Office, One South Street, New York, New York, 1004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, across Shaw Cove at mile 0.0, at New London, Connecticut, has a vertical clearance in the closed position of 3 feet at mean high water and 6 feet at mean low water. The existing drawbridge operation regulations are listed in 33 CFR 117.223.

The owner of the bridge, the National Railroad Passenger Corporation, (Amtrak), requested a temporary deviation to facilitate scheduled bridge maintenance, replacement of the rail lifting equipment. The bridge will not be able to open while the bridge maintenance is underway.

The normal waterway users are predominantly recreational vessels that do not operate during the winter months this deviation will be in effect. The only oil facility, DDL Energy, and the few local fishing vessel operators that operate during the winter were contacted regarding this deviation and have agreed to this temporary bridge opening schedule.

Under this temporary deviation, the Amtrak Bridge shall operate as follows:

The bridge shall open on signal from January 5, 2007 through February 23, 2007, between 5 a.m. and 5:20 a.m. and between 12:45 p.m. and 1:05 p.m., daily after at least a 4-hour advance notice is given.

From February 24, 2007 through February 25, 2007, the draw shall open at any time after at least an 8-hour advance notice is given.

The bridge shall open on signal from February 26, 2007 through March 30, 2007, between 5 a.m. and 5:20 a.m., 12:45 p.m. and 1:05 p.m. and between 5:15 p.m. and 5:35 p.m., daily after at least a 4-hour advance notice is given.

The bridge shall open at any time for DDL Energy oil delivery vessels after at least a 24-hour advance notice is given.

The contact information for providing the advance notice for bridge openings shall be via marine radio channel 123 or by calling (860) 446-3959/3943.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Should the bridge maintenance authorized by this temporary deviation

be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operating schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 3, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E7-239 Filed 1-10-07; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2006-0638; FRL-8267-7]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Medical Device Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Maryland Department of the Environment. This revision pertains to the control of volatile organic compounds from medical device manufacturing. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on February 12, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0638. All documents in the docket are listed in the 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 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, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT:

Linda Miller, (215) 814-2068, or by e-mail at miller.linda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On May 31, 2006 and July 5, 2006, the State of Maryland submitted a revision to the State Implementation Plan (SIP). The revision (#06-04) establishes the Reasonably Available Control Technology (RACT) requirement for Volatile Organic Compounds (VOC) for medical device manufacturing. Medical Device manufacturing includes the manufacturing of hypodermic products, syringes, catheters, blood handling and other medical devices. EPA proposed approval of the SIP revision on October 10, 2006 (71 FR 59413).

II. Summary of SIP Revision

The revision establishes the Reasonably Available Control Technology (RACT) requirement for Volatile Organic Compounds (VOC) for medical device manufacturing installations that emit or have the potential to emit, 100 pounds or more per day of VOC emissions.

Other specific requirements of the provisions of COMAR 26.11.19.31 and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving the VOC RACT requirements for medical device manufacturing including the manufacture of hypodermic products, syringes, catheters, blood handling and other medical devices 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. 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

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 March 12, 2007. 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 to approve VOC RACT requirements for medical device manufacturing 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: January 4, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 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 (c) is amended by adding an entry for COMAR 26.11.19.31 to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED REGULATIONS IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
*	*	*	*	*
26.11.19 Volatile Organic Compounds from Specific Processes				
*	*	*	*	*
26.11.19.31	Control of Volatile Organic Compounds from Medical Device Manufacturing.	6/5/06	1/11/07 [Insert page number where the document begins]	*
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[FR Doc. E7-250 Filed 1-10-07; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52****[EPA-R03-OAR-2005-MD-0009; FRL-
8267-6]****Approval and Promulgation of Air
Quality Implementation Plans;
Maryland; VOC RACT for Perdue
Farms, Inc.****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is approving a revision to the Maryland State Implementation Plan (SIP). The revision pertains to a Consent Order establishing volatile organic compound (VOC) reasonably available control technology (RACT) for Perdue Farms, Incorporated. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on February 12, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2005-MD-0009. All documents in the docket are listed in the 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 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, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814-2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

On July 29, 2005 (70 FR 43817), EPA published a notice of proposed

rulemaking (NPR) for the State of Maryland. The NPR proposed approval of the establishment of VOC RACT for Perdue Farms, Inc., located at 6906 Zion Church Road, Wicomico County, Maryland. The formal SIP revision (#05-04) was submitted by the Maryland Department of the Environment (MDE) on May 31, 2005. Specific requirements of the SIP revision and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. On August 9, 2005, EPA received an adverse comment on its July 29, 2005 NPR. A summary of the comment submitted and EPA's response is provided in Section II of this document.

**II. Summary of Public Comments and
EPA Responses**

Comment: A commenter states that the annual limit is inappropriate because it is not calculated on a rolling basis. Specifically, the VOC limit of 0.3 gallons per ton of soybean processes in a calendar year requires calculation of compliance on a rolling 12-month basis.

Response: EPA disagrees with this comment. Perdue Farms, Inc. is required by their Title V Operating Permit No. 24-045-00042, issued on August 1, 2005, to report their compliance with the RACT VOC limit of 0.3 gallons per ton on soybeans processed to MDE on a rolling 12-month period (Section 5.5, Reporting Requirements). This is consistent with the requirements of MDE (COMAR 26.11.19.02, Applicability, Determining Compliance, Reporting, and General Requirements) and with 40 CFR 63 Subpart GGGG, National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, which require these sources to determine compliance with annual VOC emission limits on a rolling 12-month period.

III. Final Action

EPA is approving the Consent Order establishing VOC RACT for Perdue Farms, Inc. located in Wicomico County, Maryland submitted on May 31, 2005. EPA is approving this SIP submittal because MDE established and imposed requirements in accordance with the criteria set forth in SIP-approved regulations for imposing RACT. MDE has also imposed recordkeeping, monitoring, and testing requirements on this source sufficient to determine compliance with these requirements.

**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 (Pub. L. 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