

c. \* \* \*

Table 2. \* \* \*

\* \* \* \* \*

3.1.4.4.3 Ducted heating-only heat pumps. The manufacturer must specify the Heating Full-load Air Volume Rate. Use this value when the following two requirements are satisfied. First, when conducting the H1 and H1<sub>2</sub> Test (exclusively), the measured air volume rate, when divided by the measured indoor air-side total heating capacity, must not exceed 37.5 cubic feet per minute of standard air (scfm) per 1000 Btu/h. If this ratio is exceeded, reduce the air volume rate until this ratio is equaled. Use this reduced air volume rate for all tests of heating-only heat pumps that call for the Heating Full-load Air Volume Rate. The second requirement is as follows:

a. For heating-only heat pumps that are tested with a fixed-speed, multi-speed, or variable-speed variable-air-volume-rate indoor fan installed. The second requirement applies exclusively to the H1 or H1<sub>2</sub> Test and is met as follows.

1. Achieve the Heating Full-load Air Volume Rate, determined in accordance with the paragraph a. of this section;

2. Measure the external static pressure;

3. If this pressure is equal to or greater than the Table 2 minimum external static pressure that applies given the heating-only heat pump's rated heating capacity, the second requirement is satisfied. Use the current air volume rate for all tests that require the Heating Full-load Air Volume Rate.

4. If the Table 2 minimum is not equaled or exceeded,

4a. Reduce the air volume rate until the applicable Table 2 minimum is equaled or

4b. Until the measured air volume rate equals 95 percent of the air volume rate from step #1, whichever occurs first.

5. If the conditions of step #4a occurs first, the second requirement is satisfied. Use the step #4a reduced air volume rate for all tests that require the Heating Full-load Air Volume Rate.

6. If the conditions of step #4b occur first, make an incremental change to the set-up of the indoor fan (e.g., next highest fan motor pin setting, next highest fan motor speed) and repeat the evaluation process beginning at above step #1. If the indoor fan set-up cannot be further changed, reduce the air volume rate until the applicable Table 2 minimum is equaled. Use the reduced

air volume rate for all tests that require the Heating Full-load Air Volume Rate.

\* \* \* \* \*

Issued in Washington, DC, on September 29, 2006.

**Alexander A. Karsner,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E6-16648 Filed 10-6-06; 8:45 am]

**BILLING CODE 6450-01-P**

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## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 120

**RIN 3245-AF49**

#### **Business Loan Program; Lender Examination and Review Fees**

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Proposed rule, notice of reopening of comment period and correction.

**SUMMARY:** On September 5, 2006, SBA published in the **Federal Register** a proposed rule on Business Loan Program; Lender Examination and Review Fees (71 FR 52296). This proposed rule implements a recent amendment to the Small Business Act authorizing SBA to assess fees to lenders participating in SBA's 7(a) loan guarantee program to cover the costs of examinations, reviews, and other Lender Oversight activities. The original comment period was from September 5, 2006, through October 5, 2006. SBA is reopening the comment period until November 9, 2006. Given the significant level of interest the proposed rule has generated, SBA believes the affected parties would find it beneficial to have more time to review the proposal and prepare their comments.

In addition SBA is correcting the Addresses section of the proposed rule by eliminating the Agency Web Site address and amending the E-mail address to *Proposedfeerule@sba.gov*.

**DATES:** Comments on the proposed rule on Business Loan Program, Lender Examination and Review Fees, 71 FR 52296, must be received on or before November 9, 2006.

**ADDRESSES:** You may submit comments, identified by RIN number 3245-AF49, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* [Proposedfeerule@sba.gov](mailto:Proposedfeerule@sba.gov).
- *Fax:* (202) 205-6831.
- *Mail/ Hand Delivery/Courier:* Bryan Hooper, Associate Administrator for

Lender Oversight, Small Business Administration, 409 3rd Street, SW., 8th floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** John M. White, Deputy Associate Administrator, Office of Lender Oversight at (202) 205-3049, [john.white@sba.gov](mailto:john.white@sba.gov); or Paul Bishop, Financial Analyst, Office of Lender Oversight, (202) 205-7516; [paul.bishop@sba.gov](mailto:paul.bishop@sba.gov).

(Authority: 15 U.S.C. 363)

Dated: October 4, 2006.

**Michael W. Hager,**

*Associate Deputy Administrator for the Office of Capital Access.*

[FR Doc. E6-16750 Filed 10-6-06; 8:45 am]

**BILLING CODE 8025-01-P**

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 144

[DOD-2006-OS-0204]

**RIN 0790-AI07**

#### **Service by Members of the Armed Forces on State and Local Juries**

**AGENCY:** Department of Defense.

**ACTION:** Proposed rule.

**SUMMARY:** This part implements 10 U.S.C 982 to establish uniform DoD policies for jury service by members of the Armed Forces on active duty. The provisions of this part impact active-duty members of the Armed Forces. This updated rule contains editorial changes only as required for internal Department of Defense mandated reconsideration every 5 years.

**DATES:** Comments must be received by December 11, 2006.

**ADDRESSES:** You may submit comments, identified by docket number and or RIN number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public

is to make these submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Colonel C. Garcia, Office of the Deputy Under Secretary of Defense for Program Integration, 4000 Defense Pentagon, Washington, DC 20301-4000. Telephone # (703) 697-3387.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866, "Regulatory Planning and Review"**

It has been determined that 32 CFR part 144 is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

**Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)**

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

**Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)**

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. By its terms, this rule applies to state and local governments. It has no impact on "small entities".

**Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)**

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995. The reporting and recordkeeping requirements have been submitted to OMB for review.

**Executive Order 13132, "Federalism"**

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on the States, the relationship between the National Government and the States; or the distribution of power and responsibilities among the various levels of Government.

**List of Subjects in 32 CFR Part 144**

Courts, Intergovernmental relations, Military personnel.

Accordingly, 32 CFR Part 144 is proposed to be revised to read as follows:

**PART 144—SERVICE BY MEMBERS OF THE ARMED FORCES ON STATE AND LOCAL JURIES**

Sec.

- 144.1 Purpose.
- 144.2 Applicability.
- 144.3 Definitions.
- 144.4 Policy.
- 144.4 Responsibilities.
- 144.5 Procedures.

**Authority:** 10 U.S.C. 982

**§ 144.1 Purpose.**

This part implements 10 U.S.C 982 to establish uniform DoD policies for jury service by members of the Armed Forces on active duty.

**§ 144.2 Applicability.**

The provisions of this part apply to active-duty members of the Armed Forces.

**§ 144.3 Definitions.**

(a) *Armed Forces.* The Army, the Navy, the Air Force, the Marine Corps.

(b) *State.* Includes the 50 United States, U.S. Territories, District of Columbia, and the Commonwealth of Puerto Rico.

(c) *Active Duty.* Full-time duty in the active Military Service of the United States; Includes full-time training duty, annual training duty, active duty for training, and attendance, while in the active Military Service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

(d) *Operating Forces.* Those forces whose primary missions are to participate in combat and the integral supporting elements thereof.

**§ 144.4 Policy.**

It is DoD policy to permit members of the Armed Forces to maximally fulfill their civic responsibilities consistent with their military duties. For Service members stationed in the United States, serving on a State or local jury is one

such civic obligation. Service members are exempt from jury duty, when it unreasonably would interfere with performance of their military duties or adversely affect the readiness of a unit, command, or activity.

**§ 144.5 Responsibilities.**

The Secretaries of the Military Departments, or designees, in accordance with regulations prescribed by the Secretary concerned, shall determine whether Service members shall be exempt from jury duty. This authority may be delegated no lower than to commanders authorized to convene special courts-martial.

**§ 144.6 Procedures.**

The Secretaries of the Military Departments shall publish procedures that provide the following:

(a) When a Service member on active duty is summoned to perform State or local jury duty, the Secretary concerned, or the official to whom such authority has been delegated, shall decide if such jury duty would:

(1) Interfere unreasonably with the performance of the Service members military duties.

(2) Affect adversely the readiness of the unit, command, or activity to which the member is assigned.

(b) If such jury service would interfere with the Service member's military duties or adversely affect readiness, the Service member shall be exempted from jury duty. The decision of the Secretary concerned, or the official to whom such authority has been delegated, shall be conclusive.

(c) All general and flag officers, commanding officers, and all personnel assigned to the operating forces, in a training status, or stationed outside the United States are exempt from serving on a State or local jury. Such jury service necessarily would interfere unreasonably with the performance of military duties by these members and adversely affect the readiness of the unit, command, or activity to which they are assigned.

(d) Service members who serve on State or local juries shall not be charged leave or lose any pay or entitlements during the period of service. All fees accrued to members for jury service are payable to the U.S. Treasury. Members are entitled to any reimbursement from the State or local jury authority for expenses incurred in the performance of jury duty, such as for transportation costs or parking fees.

(e) Written notice of each exemption determination shall be provided to the responsible State or local official who

summoned an exempt member for jury duty.

Dated: October 3, 2006.

**C.R. Choate,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. E6-16643 Filed 10-6-06; 8:45 am]

BILLING CODE 5001-06-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0638; FRL-8229-6]

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

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan revision submitted by the Maryland Department of the Environment. This revision pertains to the control of volatile organic compounds from medical device manufacturing. This action is being taken under the Clean Air Act (CAA or the Act).

**DATES:** Written comments must be received on or before November 9, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2006-0638 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. E-mail: *morris.makeba@epa.gov*.

C. Mail: EPA-R03-OAR-2006-0638, Makeba Morris, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. 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:** Direct your comments to Docket ID No. EPA-R03-OAR-2006-0638. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information

whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 in *www.regulations.gov* or in hard copy 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:** Helene Drago, (215) 814-5796, or by e-mail at *drago.helene@epa.gov*.

**SUPPLEMENTARY INFORMATION:** On May 31, 2006 and July 5, 2006, the Maryland Department of the Environment (MDE) submitted a revision (#06-04) to its State Implementation Plan (SIP) to establish Reasonably Available Control Technology (RACT) requirements for the manufacturing of hypodermic products, syringes, catheters, blood handling and other medical devices. The revision applies to any medical device manufacturing installation that emits, or has the potential to emit, 100

pounds or more per day of volatile organic carbon (VOC). The revisions add Regulation .31 under the Code of Maryland Regulations (COMAR) 26.11.19, Volatile Organic Compounds from Specific Processes.

#### I. Background

Medical device manufacturing includes production of hypodermic products, catheters, syringes, blood collection, processing, storage and transfusion products. Although the products are small in size, the large volume of pieces manufactured generates significant VOC emissions. The majority of VOC emissions from manufacturing of medical devices comes from bonding of components, coating and cleaning operations. First and foremost, medical device manufacturers are required to comply with the requirements of Food, Drug and Cosmetics Act and the regulations promulgated by Food and Drug Administration (FDA). Medical device manufacturing operations are not covered under any specific Federal environmental regulations.

Under Maryland's regulations found at COMAR 26.11.19, Control of Volatile Organic Compounds from Specific Processes, a facility that has the potential to emit more than 25 tons a year of VOC emissions is subject to the RACT requirements under COMAR 26.11.19.02. The purpose of this regulation is to establish a RACT requirement specific to the medical device manufacturers engaged in the production of hypodermic products, syringes, catheters, blood handling and other medical devices.

#### II. Summary of SIP Revision

The regulation applies to a person who owns or operates a medical device manufacturing installation that emits or has the potential to emit, 100 pounds or more per day of VOC emissions. Medical device manufacturing operations are also subject to the compliance, recordkeeping and general requirements under COMAR 26.11.19.02 and equipment leak requirements under COMAR 26.11.19.16. The regulations establish control requirements for three main VOC emitting operations: (1) Solvent bonding, (2) biopassive coating, and (3) steel cannula coating. For solvent bonding operations, appropriately designed VOC impermeable covers on dip pots are required. Due to the evolving nature of the process, the State may, if necessary, require participation in an evaluation of new or innovative designs or VOC material substitutions. Biopassive coating operation is required