operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 13, 2007.

**David M. Frank,**

*Bridge Administrator.*

[FR Doc. E7–18881 Filed 9–24–07; 8:45 am]

**BILLING CODE 4910–15–P**

## POSTAL SERVICE

## 39 CFR Part 111

## New Standards for Mailing Sharps Waste and Other Regulated Medical Waste

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service™ is revising its standards for mailing medical waste so that medical professionals as well as individuals can use a larger container to mail medical waste to disposal sites. The new standards allow a maximum mailpiece weight limit of 35 pounds for packages approved as ''Medical Professional Packaging.''

**EFFECTIVE DATE:** September 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** Bert Olsen, 202–268–7276.

**SUPPLEMENTARY INFORMATION:**

### Background

We published a proposed rule in the **Federal Register** (72 FR 20462, April 25, 2007) to revise the standards for mailing sharps and other regulated medical waste containers. Our proposal allowed for a single, larger primary receptacle that could accommodate several pre-primary sharps receptacles (sharps receptacles normally used in doctors' offices), as well as several tie-closed bags of other regulated medical waste. The weight limit of the mailpiece would be 35 pounds.

### Comments Received

We received comments from two entities: a USPS-authorized sharps vendor and a coalition of parties interested in the safe disposal of needles. Both were in support of the changes and offered the following comments:

1. *Comment:* The term ''Medical Professional Packaging'' implies that only medical professionals can use it. Change the name so it is clear that it can be used by anyone.

The Postal Service believes the term, ''Medical Professional Packaging'' is an appropriate term that represents a mailpiece most often used by medical professionals. However, we will include language in the *Domestic Mail Manual* (DMM) that clarifies that individuals as well as other entities can use ''Medical Professional Packaging.''

2. *Comment:* Require that pre-primary receptacles comply with Food and Drug Administration (FDA) 510(k) approval rather than Occupational Safety and Health Administration (OSHA) standards.

The Postal Service believes that requiring pre-primary receptacles to meet OSHA standards as identified in 29 CFR 1910.1030 is the best method of verifying governmental compliance for sharps and other regulated medical waste receptacles containing bloodborne pathogens. These pre-primary receptacles are then triple packaged in accordance with further parcel preparation requirements for the mailing of sharps mailpieces. Therefore, the final rule adopts the requirement that pre-primary receptacles meet OSHA compliance standards as published in the proposed rule.

We adopt the following amendments to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.4.

### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is amended as follows:

## PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

■ 2. Revise the following sections of the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

* * * * *

### 600 Basic Standards for All Mailing Services

### 601 Mailability

* * * * *

### 601.10 Hazardous Materials

* * * * *

### 10.17 Infectious Substances (Hazard Class 6, Division 6.2)

* * * * *

### 10.17.5 Sharps Waste and Other Mailable Regulated Medical Waste

* * * * *

### 10.17.5b Packaging

* * * * *

*[Revise first sentence to 10.17.5b5 as follows]*

Each mailpiece must not weigh more than 25 pounds, except for Medical Professional Packages as identified in 10.17.5c, that may not weigh more than 35 pounds.* * *

* * * * *

*[Add a new 10.17.5c, and renumber current items 5c through 5f as new 5d through 5g:]*

### 10.17.5c Medical Professional Packages

Medical Professional Packages, while intended for use by small medical offices, are not limited to use by medical offices only. One primary receptacle larger than 5 gallons in volume may be used for mailing pre-primary sharps receptacles (sharps receptacles normally used in doctors' offices) and other regulated medical waste under the following conditions:

1. The mailpiece must meet all the requirements in 601.10.17.5 except for the primary receptacle capacity limits of 10.17.5b1.

2. Only rigid, securely closed, puncture and leak-resistant pre-primary sharps receptacles that meet or exceed Occupational Safety and Health Administration standards as identified in 29 CFR 1910.1030, may be placed inside the primary receptacle. Each pre-primary sharps container may contain no more than 50 ml (1.66 ounces) of residual waste liquid. Several pre-primary sharps receptacles may be enclosed in the single primary receptacle.

3. Multiple tie-closed plastic bags of regulated medical waste may be placed inside the single primary receptacle.

4. The primary receptacle must be lined with a plastic bag at least 4 mil in thickness and must include sufficient absorbent material within the liner to absorb all residual liquid in the primary receptacle.

5. The mailpiece must not weigh more than 35 pounds.

* * * * *

### 601.10.17.5d Mailpiece Labeling, Marking, and Documentation

*[Add new number 1, and renumber current items 1 through 7 as new 2 through 8:]*

1. For Medical Professional Packages, the additional marking ''Medical Professional Packaging'' must be clearly printed in lettering at least 2 inches high on the address side of the outer shipping container.

* * * * *

*[Add two new sentences to the introductory text at the beginning of redesignated 10.17.5f as follows:]*

**601.10.17.5f Testing Criteria**

Packages tested for approval as Medical Professional Packages may not be tested using pre-primary containers that are currently or have previously been approved as USPS primary containers. Test reports must identify by brand name the pre-primary containers used during testing. * * *

* * * * *

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. E7–18626 Filed 9–24–07; 8:45 am]

BILLING CODE 7710–12–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 52 and 81

**[EPA–R03–OAR–2007–0174; FRL–8473–1]**

## Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Correction of Effective Date Under Congressional Review Act

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

**ACTION:** Final rule; correction of effective date under Congressional Review Act.

**SUMMARY:** On July 25, 2007 (72 FR 40746), the EPA published in the **Federal Register** a final rule that approved a request that the Franklin County nonattainment area (''Franklin County Area'' or ''Area'') be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS) and that approved the maintenance plan and the 2002 base-year emissions inventory as revisions to the Pennsylvania SIP in accordance with the requirements of the Clean Air Act (CAA). That July 25, 2007 final rule established an effective date of July 25, 2007. This document corrects the effective date of the rule to July 27, 2007 to be consistent with sections 801 and 808 of the Congressional Review Act, enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

**EFFECTIVE DATE:** This rule is effective on September 25, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2007–0174. 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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Christopher Cripps, (215) 814–2179, or by e-mail at *cripps.christopher@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

Section 801 of the Congressional review Act precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the Government Accountability Office (GAO). After publication of the July 25, 2007 final rule (72 FR 40746) EPA discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on July 25, 2007 (72 FR 40746), by operation of law, the rule did not take effect on July 25, 2007, as stated therein. After EPA discovered this error, EPA complied with its obligations under the Congressional Review Act by submitting the rule to both Houses of Congress and the GAO on July 27, 2007. This document corrects certain dates displayed in 40 CFR parts 52 and 81 to reflect the date on which EPA satisfied the procedural requirements of the Congressional Review Act.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is memorializing in this action that EPA's compliance with the congressional review requirements of the Congressional Review Act, has as a matter of law, changed the effective date of the July 25, 2007 action, and EPA has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, because today's action does not create any new regulatory requirements and the submittal of the rule to Congress has, by operation of law, changed the effective date of the July 25, 2007 rule to July 27, which this action merely memorializes, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3). Because the delay in the effective date was caused by EPA's inadvertent failure to submit the rule under the Congressional Review Act, EPA does not believe that affected entities that acted in good faith relying upon the effective date stated in the July 25, 2007, **Federal Register** should be penalized if they were complying with the rule as promulgated.

### II. 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. Redesignation of an area to attainment under section 107(d)(3)(e) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources.

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