

**§ 100.35–T05–020, Delaware River, Delaware City, DE.**

(a) Regulated area. The regulated area includes all waters of the Delaware River within 500 yards either side of a line drawn southwesterly from a point near the shoreline at Pea Patch Island, at latitude 39°35′08″ N, 075°34′18″ W, thence to latitude 39°34′43.6″ N, 075°35′13″ W, a position located near the Delaware City Wharf, Delaware City, DE. All coordinates reference Datum NAD 1983.

**(b) Definitions:**

(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Delaware Bay.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Delaware Bay with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

**(c) Special local regulations:**

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) Enforcement period. This section will be enforced from 5:30 a.m. to 10:30 a.m. on June 9, 2007.

Dated: March 9, 2007.

**Larry L. Hereth,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. E7–5144 Filed 3–20–07; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Chapter I****Meeting of Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, 10), notice is hereby given of the sixth meeting of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA).

**DATES:** The Committee will meet on Thursday, April 5, 2007, beginning at 3 p.m.

**ADDRESSES:** The meeting will be held at the Ft. Mason Officers' Club, Building 1, Upper Fort Mason, San Francisco, CA. Written comments may be sent to: Superintendent, GGNRA, Ft. Mason, Bldg. 201, San Francisco, CA 94123, Attn: Negotiated Rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Project information line at 415–561–4728, or go to the Web site at [www.parkplanning.nps.gov/goga](http://www.parkplanning.nps.gov/goga) and select *Negotiated Rulemaking for Dog Management at GGNRA*.

**SUPPLEMENTARY INFORMATION:** The Committee was established pursuant to the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570) to consider developing a special regulation for dog walking at GGNRA. Although the Committee may modify its agenda during the course of its work, the proposed agenda for this meeting is as follows: Introductions, approval of the meeting summary for the previous meeting, updates since the previous meeting, update on the concurrent NEPA process, report from the Technical Subcommittee on progress to date, next steps, public comment.

The Committee meeting is open to the public and opportunity will be provided for public comment during the meeting. To request a sign language interpreter, please call the park TDD line (415) 556–2766, at least a week in advance of the meeting. Please note that federal regulations prohibit pets in public buildings, with the exception of service animals.

Dated: March 2, 2007.

**Bernard C. Fagan,**

*Acting Chief, Office of Policy.*

[FR Doc. 07–1371 Filed 3–20–07; 8:45 am]

**BILLING CODE 4312–FN–M**

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Part 7****RIN 1024–AD40****Special Regulations; Areas of the National Park System, National Capital Region**

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to add a regulation governing parking violations. The addition is needed to address situations in which the vehicle's operator is absent

when the vehicle is illegally parked. The proposed amendment provides that a parking citation is subject to fine, allows the citation to name the registered owner if the operator is not present, and creates a rebuttable prima facie presumption that the registered owner of the illegally parked vehicle was the person who committed the violation. This proposed rule is similar to provisions in the parking laws of the District of Columbia, Virginia, and Maryland.

**DATES:** Comments must be received by May 21, 2007.

**ADDRESSES:** You may submit comments, identified by the number RIN 1024–AD40, by any of the following methods:

—Federal rulemaking portal: <http://www.regulations.gov> Follow the instructions for submitting comments.

—E-mail Sean Doyle, Park Ranger, National Park Service at [Sean\\_Doyle@nps.gov](mailto:Sean_Doyle@nps.gov). Use RIN 1024–AD40 in the subject line.

—Mail or hand delivery to Sean Doyle, Park Ranger, National Park Service National Capital Region, 1100 Ohio Drive SW., Room 236, Washington, DC 20242.

—Fax to: (202) 260–9582.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Lee, Special Assistant, 1849 C St., NW., Room 3319, Washington, DC 20240, [jennifer\\_lee@nps.gov](mailto:jennifer_lee@nps.gov), 202–219–1689.

**SUPPLEMENTARY INFORMATION:****Background**

Parking violations on Federal parkland administered by the NPS in the National Capital Region are regulated by 36 CFR 4.12 (traffic control devices). This section provides that “Failure to comply with the directions of a traffic control device is prohibited unless otherwise directed by the superintendent.” Prohibitions included within 36 CFR 4.12 are violations of handicapped parking signs, no parking, parking times limitations, and parking outside of marked parking spaces. This regulation is routinely used by United States Park Police officers and National Park Service law enforcement commissioned rangers. When a citation is issued and the operator is not identified on the notice, it results in the violation being dismissed if the registered owner fails to appear at trial and the court declines to proceed.

Parking spaces on parkland are limited in number and are intended to provide visitors with safe, convenient, and legal areas to park while they visit the parks. In urbanized areas of parks in the National Capital Region, violation

notices have been dismissed because the operator has not been identified. This is a concern as the U.S. Park Police have documented instances of operators repeatedly parking illegally without consequence, which denies others the ability to legally use the parking places.

### Description of Proposed Rulemaking

In response to this problem, the National Park Service proposes to amend the National Capital Region special regulations to establish an enforcement process for parking violation notices issued under 36 CFR 4.12. The proposed rule:

1. Provides that a parking violation notice is subject only to a fine;
2. Provides that the violation notice will name the registered owner if the operator is not present; and
3. Creates a prima facie presumption that the registered owner of the illegally parked vehicle was the person who committed the violation.

The prima facie presumption, however, remains rebuttable if the owner comes forward with evidence that someone else was operating the vehicle. This proposed rule is similar to provisions that already exist in the parking laws of many jurisdictions, including the District of Columbia, Virginia, and Maryland (D.C. Code Ann. § 50-2303.03(c) (2004); Va. Code Ann. § 46.2-1220 (2004); Md. Trans. Code Ann. § 26-302(b)(2002)).

Prima facie presumption is a reasonable and standard provision found in parking codes of many jurisdictions. The connection between the registered owner of an automobile and its operation is a natural one. Indeed, courts have noted, not only the practical impossibility of a police agency to keep a watch over all parked vehicles to ascertain who in fact operates them, but that a traffic regulation's prima facie presumption of responsibility on the registered owner is reasonable, and places neither too great an inconvenience nor an unreasonable hardship if the owner desires to make an explanation. This presumption has been generally upheld by the courts if, as the Park Service proposes here, it also allows the owner to come forward with evidence that someone else was operating the vehicle in order to rebut the inference that the registered owner was responsible. Such parking regulation presumptions have also been upheld as consistent with due process.

The National Park Service proposes to amend 36 CFR 7.96 by adding a new paragraph (f)(5), that provides that a violation of a traffic control device regulating parking under 36 CFR 4.12 is punishable by a fine. Proof that the

described vehicle was parked in violation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. This presumption allows the owner to come forward with evidence that someone else was operating the vehicle in order to rebut the presumption that the registered owner was responsible.

### Compliance With Other Laws

#### *Regulatory Planning and Review* (Executive Order 12866)

In accordance with the criteria in Executive Order 12866, the Office of Management and Budget makes the final determination as to the significance of this regulatory action and it has determined that this document is not a significant rule and is not subject to review by the Office of Management and Budget.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule will only affect those drivers who park illegally in areas administered by the National Park Service in the National Capital Region, and are issued a citation as a result. Based upon the number of parking violation citations currently being issued, and the nominal fine associated with a citation, there will not be an annual economic effect of \$100 million or more. This rule will not adversely affect an economic sector, productivity, jobs, the environment, or other units of government since the rule will have no impact at all for those drivers parking legally in these areas.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule will result in establishing consistency with other agencies' actions, since it is similar to provisions already existing in the parking laws of many jurisdictions, including District of Columbia, Virginia, and Maryland law.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule has no effect on entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(4) This rule does not raise novel legal or policy issues. The rule provides that a parking citation is subject only to a fine, that the citation will name the

registered owner if the operator is not present, as well as create a prima facie presumption that the registered owner of the illegally parked vehicle was the person who committed the violation. The prima facie presumption, however, remains rebuttable if the owner comes forward with evidence that someone else was operating the vehicle. Since the prima facie presumption is both a reasonable and standard provision found in the parking codes of many jurisdictions, this rule will not raise novel legal or policy issues.

#### *Regulatory Flexibility Act*

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The primary purpose of this rule is to establish consistency between the parking laws already existing in the local jurisdictions, and the parking laws in adjoining parklands administered by the National Park Service in the National Capital Region. There will not be a significant economic effect on a substantial number of small entities, since the rule will only affect those drivers who park illegally in areas administered by the National Park Service in the National Capital Region, and are issued a citation as a result. All parties have the ability to completely avoid any economic effect simply by parking legally in these areas.

#### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more. This rule will only affect those drivers who park illegally in areas administered by the National Park Service in the National Capital Region, and are issued a violation notice as a result. Based upon the number of parking violation notices currently being issued, and the nominal fine associated with a violation, there will not be an annual effect on the economy of \$100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. No costs will be incurred by any parties unless a parking violation is issued for parking illegally in areas administered by the National Park Service in the National Capital Region. All parties have the ability to

completely avoid any increase in cost simply by parking legally in these areas.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The primary purpose of this rule is to establish consistency between the parking laws already existing in the local jurisdictions, and the parking laws in adjoining parklands administered by the National Park Service in the National Capital Region. This rule will not change the ability of United States based enterprises to compete in any way.

#### *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. This rule does not impose any unfunded mandate on industry, state, local or tribal governments, or the private sector. This rule applies only to Federal parkland administered by the National Park Service in the National Capital Region, and no costs will be incurred by any parties unless a parking violation notice is issued for parking illegally in these areas. This rule will establish consistency between the parking laws already existing in the local jurisdictions, and the parking laws in adjoining lands administered by the National Park Service in the National Capital Region. As a result, there will not be any "significant or unique" affect on State, local or tribal governments or the private sector.

#### *Takings (Executive Order 12630)*

In accordance with Executive Order 12630, the rule does not have significant takings implications. Since this rule does not apply to private property, or cause a compensable taking, there are no takings implications.

#### *Federalism (Executive Order 13132)*

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions of this rule apply to land under the jurisdiction of the United States. This rule does not relate to the structure and role of the States, nor will it have direct, substantial, and significant effects on States. This rule imposes no requirements on any governmental entity other than the National Park Service.

#### *Civil Justice Reform (Executive Order 12988)*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *Paperwork Reduction Act*

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83-I is not required.

#### *National Environmental Policy Act*

We have analyzed the proposed rule in accordance with the criteria of the National Environmental Policy Act and 516 DM. It does not constitute a major Federal action significantly affecting the quality of the human environment, and can be Categorically Excluded under NPS exclusion 3.4 A (8) "Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions, or new regulations do not:

(a) Increase public use to the extent of compromising the nature and character of the area or cause physical damage to it.

(b) Introduce non-compatible uses that might compromise the nature and characteristics of the area or cause physical damage to it.

(c) Conflict with adjacent ownerships or land uses.

(d) Cause a nuisance to adjacent owners or occupants."

#### *Government-to-Government Relationship With Tribes*

In accordance with the President's memorandum of April 29, 1994, "Government to Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2:

We have evaluated potential effects on federally recognized Indian tribes and have determined that there are no potential effects. As this rule only applies to parkland administered by the National Park Service in the National Capital Region, there will not be any effect on Federally recognized Indian tribes.

#### *Clarity of Rule*

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1)

Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to read if it were divided into more, but shorter sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240.

**Drafting Information:** The primary authors of this regulation were Sean Doyle, Park Ranger, National Park Service, National Capital Region, and Jerry Case and Jennifer Lee, Regulations Program, WASO.

**Public Participation:** If you wish to comment, you may submit your comments by any one of several methods. You may mail or hand deliver comments to Sean Doyle, National Park Service, National Capital Region, 1100 Ohio Drive SW, Room 236, Washington, DC 20242, or fax to (202) 260-9582. Comments may also be submitted on the Federal rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and identify comments by RIN 1024-AD40. You may also submit comments by e-mail to [Sean\\_Doyle@nps.gov](mailto:Sean_Doyle@nps.gov). Use RIN 1024-AD40 in the subject line.

**Public Availability of Comments:** Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### **List of Subjects in 36 CFR Part 7**

Parking violation notice, prima facie presumption, traffic control device.

For reasons stated in the preamble, the National Park Service proposes to amend 36 CFR Part 7 as follows:

## PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority for part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Add new paragraph (f)(5) to § 7.96 to read as follows:

### § 7.96 National Capital Region.

\* \* \* \* \*

(f) \* \* \*

(5) *Parking.* Violation of a traffic control device regulating parking is punishable by fine. In any violation of a traffic control device regulating parking, proof that the described vehicle was parked in violation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

\* \* \* \* \*

Dated: February 9, 2007.

**David M. Verhey,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. E7–5112 Filed 3–20–07; 8:45 am]

BILLING CODE 4310–70–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Docket No. EPA–R02–OAR–2006–0920, FRL–8290–1]

### Approval and Promulgation of Implementation Plans; New Jersey; Low Emission Vehicle Program

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency is proposing to approve a New Jersey state implementation plan revision that adopts California's second generation low emission vehicle program for light-duty vehicles, LEV II. Clean Air Act section 177 sets forth requirements by which other states may adopt new motor vehicle emissions standards that are identical to California's standards. Specifically, the State's implementation plan revision adopts changes to its existing light duty vehicle rule by incorporating California's LEV II program. The intended effect of this action is to approve, as consistent with section

110(a)(2) of the Clean Air Act, a control strategy that will help New Jersey achieve attainment of the National Ambient Air Quality Standard for ozone.

**DATES:** Comments must be received on or before April 20, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R02–OAR–2006–0920, by one of the following methods: <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

*E-mail:* [Werner.Raymond@epa.gov](mailto:Werner.Raymond@epa.gov).

*Fax:* 212–637–3901.

*Mail:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

*Hand Delivery:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

**Instructions:** Direct your comments to Docket ID No. EPA–R02–OAR–2006–0920. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://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 <http://www.regulations.gov> or e-mail. The <http://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 <http://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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

### FOR FURTHER INFORMATION CONTACT:

Matthew Laurita, [laurita.matthew@epa.gov](mailto:laurita.matthew@epa.gov) at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007–1866, telephone number (212) 637–3895, fax number (212) 637–3901.

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New Jersey Department of Environmental Protection, Public Access Center, 401 East State Street 1st Floor, Trenton, New Jersey 08625.

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#### I. Description of the SIP Revision

##### A. Background

Under the Clean Air Act (CAA) Amendments of 1990, all 21 counties in New Jersey were designated as nonattainment with respect to the former 1-hour ozone National Ambient Air Quality Standard (NAAQS). The counties were divided into four separate nonattainment areas with ozone attainment deadlines varying by area; however, no counties in New Jersey were redesignated to attainment prior to the revocation of the 1-hour ozone standard on June 15, 2005. On June 15, 2004 all 21 counties in New Jersey were designated as nonattainment with respect to the 8-hour ozone NAAQS as part of either the New York–Northern New Jersey–Long Island, NY–NJ–CT or the Philadelphia–Wilmington–Atlantic City, PA–NJ–MD–DE moderate nonattainment areas. Both of these areas have attainment dates of no later than June 2010.

To bring the state into attainment New Jersey adopted, among other measures, the National Low Emission