

not been required, the ACE Truck Manifest System will be mandatory.

### ACE Mandated at Land Border Ports of Entry in Idaho and Montana

Applicable regulations (19 CFR 123.92(e)) require CBP, 90 days prior to mandating advance electronic information at a port of entry, to publish notice in the **Federal Register** informing affected carriers that the EDI system is in place and fully operational. Accordingly, CBP is announcing in this document that, effective 90 days from the date of publication of this notice, truck carriers entering the United States through land border ports of entry in the states of Idaho and Montana will be required to present advance electronic cargo information regarding truck cargo through the ACE Truck Manifest System.

Although other systems that have been deemed acceptable by CBP for transmitting advance truck manifest data will continue to operate and may still be used in the normal course of business for purposes other than transmitting advance truck manifest data, use of systems other than ACE will no longer satisfy advance electronic cargo information requirements at the ports of entry announced in this document as of August 6, 2007.

### Compliance Sequence

CBP will be publishing subsequent notices in the **Federal Register** as it phases in the requirement that truck carriers utilize the ACE system to present advance electronic truck cargo information at other ports. ACE will be phased in as the mandatory EDI system at the ports identified below in the sequential order in which they are listed. Although further changes to this order are not currently anticipated, CBP will state in future notices if changes do occur. In any event, as mandatory ACE is phased in at these remaining ports, CBP will always provide 90 days' notice through publication in the **Federal Register** prior to requiring the use of ACE for the transmission of advance electronic truck cargo information at a particular group of ports.

The remaining ports at which the mandatory use of ACE will be phased in, listed in sequential order, are as follows:

1. All land border ports in the state of Maine.
2. All land border ports in the states of Alaska and Minnesota.

Dated: May 2, 2007.

**Deborah J. Spero,**

*Acting Commissioner, Customs and Border Protection.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. CGD13-07-014]

RIN 1625-AA08

#### National Maritime Week Tugboat Races, Seattle, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement.

**SUMMARY:** The Coast Guard will enforce the annual National Maritime Week Tugboat Races Special Local Regulations in Elliot Bay from 12 p.m. to 4:30 p.m. on May 12, 2007. This action is necessary to ensure the safety of participants and spectators during the National Maritime Week Tugboat Races. During the enforcement period, entry into, transit through, mooring, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representatives.

**DATES:** The regulations in 33 CFR 100.1306 will be enforced from 12 p.m. to 4:30 p.m. on May 12, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Steve Kee, c/o Captain of the Port Puget Sound, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217-6002.

**SUPPLEMENTARY INFORMATION:** On May 6, 2005, the Coast Guard published a final rule (70 FR 23936-23938) modifying the regulations in 33 CFR 100.1306 for the safe execution of the Seattle Maritime Festival Tugboat Races on the waters of Elliot Bay. This Special Local Regulation (SLR) provides for a regulated area to protect spectators while providing unobstructed vessel traffic lanes to ensure timely arrival of emergency response craft. Movements are regulated for all vessels in the area as described under 33 CFR 100.1306 or unless otherwise regulated by the Captain of the Port or his designee. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this SLR. The Coast Guard will enforce the SLR for the annual National Maritime Week Tugboat Races, Seattle, WA in 33 CFR

100.1306 on May 12, 2007, from 12 p.m. to 4:30 p.m.

Under the provisions of 33 CFR 100.1306, entry into, transit through, mooring, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designee. Spectator vessels may safely transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of race participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1306(c) and 5 U.S.C. 552(a).

Dated: April 20, 2007.

**Mark J. Huebschman,**

*Commander, U.S. Coast Guard, Captain of the Port, Puget Sound, Acting.*

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**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-07-015]

RIN 1625-AA00

#### Security Zone: Portland Rose Festival on Willamette River

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of Rose Festival Security Zone.

**SUMMARY:** The Captain of the Port Portland, Oregon will begin enforcing the Portland Rose Festival Security Zone from June 6th, 2007 until June 11, 2007. This zone provides for the security of public vessels on a portion of the Willamette River during the fleet week of the 2007 Rose Festival.

**DATES:** This notice of enforcement for 33 CFR 165.1312 will be enforced from 12:01 a.m., June 6, 2007 until 11:59 p.m., June 11, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Petty Officer Michelle Duty, c/o Captain of the Port Portland, OR, 6767 North Basin Avenue, Portland, OR 97217 at (503) 240-9301 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On May 29, 2003, the Coast Guard published a final rule (68 FR 31979 as amended by 70 FR 33352 published on June 8, 2005) establishing a security zone, in 33 CFR 165.1312, for the security of public

vessels on a portion of the Willamette River during the fleet week of the Rose Festival. This security zone provides for the regulation of vessel traffic in the vicinity of the moored vessels. Entry into this zone is prohibited unless authorized by the Captain of the Port or his designee. The Captain of the Port Portland will begin enforcing the Rose Festival Security Zone established by 33 CFR 165.1312 on June 6, 2007. The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone. This security zone will be enforced until June 11, 2007.

Dated: April 20, 2007.

**Patrick G. Gerrity,**

*Captain, U.S. Coast Guard, Captain of the Port, Portland.*

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**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R03-OAR-2006-0817; FRL-8309-9]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Parkersburg, WV, Portion of the Parkersburg-Marietta, WV-OH 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a redesignation request and a State Implementation Plan (SIP) revision submitted by the State of West Virginia. The West Virginia Department of Environmental Protection (WVDEP) is requesting that the Parkersburg, West Virginia (Parkersburg) portion of the Parkersburg-Marietta, WV-OH area (herein referred to as the "Area") be redesignated as attainment for the 8-hour ozone national ambient air quality standard (NAAQS). In conjunction with its redesignation request, the State submitted a SIP revision consisting of a maintenance plan for Parkersburg that provides for continued attainment of the 8-hour ozone NAAQS for the next 12 years, until 2018. Concurrently, EPA is approving the maintenance plan as meeting the requirements of Clean Air Act (CAA) 175A(b) with respect to the 1-hour ozone maintenance plan update. EPA is also approving the adequacy determination for the motor vehicle

emission budgets (MVEBs) that are identified in the Parkersburg 8-hour maintenance plan for purposes of transportation conformity, and is approving those MVEBs. EPA is approving the redesignation request and the maintenance plan revision to the West Virginia SIP in accordance with the requirements of the CAA.

**DATES:** *Effective Date:* This final rule is effective on June 7, 2007.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2006-0817. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) website. 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](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, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, WV 25304.

**FOR FURTHER INFORMATION CONTACT:** Amy Caprio, (215) 814-2156, or by e-mail at [caprio.amy@epa.gov](mailto:caprio.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On January 12, 2007 (72 FR 1474), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of West Virginia's redesignation request and a SIP revision that establishes a maintenance plan for Parkersburg that sets forth how Parkersburg will maintain attainment of the 8-hour ozone NAAQS for the next 12 years. The formal SIP revision was submitted by the WVDEP on September 8, 2006. Other specific requirements of West Virginia's redesignation request SIP revision for the maintenance plan and the rationales for EPA's proposed actions are explained in the NPR and will not be restated here.

On February 9, 2007, EPA received a comment, from the West Virginia Manufacturers Association, in support of its January 12, 2007 NPR. Also, on February 15, 2007, EPA received a comment, from the West Virginia

Chamber of Commerce, in support of its January 12, 2007 NPR. EPA recognizes the support provided in these comments but does not believe any specific response to comments is necessary with respect to these comments.

Additionally, the United States Court of Appeals for the District of Columbia Circuit recently vacated EPA's April 30, 2004 "Final Rule to Implement the 8-Hour Ozone National Ambient Standard" (the Phase 1 implementation rule). *South Coast Air Quality Management District v. EPA*, 472 F.3d 882 (D.C. Cir. 2007). EPA issued a supplemental proposed rulemaking that set forth its views on the potential effect of the Court's ruling on this and other proposed redesignation actions. 72 FR 13452 (March 22, 2007). EPA proposed to find that the Court's ruling does not alter any requirements relevant to the proposed redesignations that would prevent EPA from finalizing these redesignations, for the reasons fully explained in the supplemental notice. EPA provided a 15-day review and comment period on this supplemental proposed rulemaking. The public comment period closed on April 6, 2007. EPA received six comments, all supporting EPA's supplemental proposed rulemaking, and supporting redesignation of the affected areas. EPA recognizes the support provided in these comments as well, but again, we do not believe any specific response to comments is necessary with respect to these comments. In addition, several of these comments included additional rationale for proceeding with these proposed redesignations. EPA had not requested comment on any additional rationale, does not believe any additional rationale is necessary, and similarly does not believe any specific response to these comments is necessary, and thus has not provided any.

#### II. Final Action

EPA is approving the State of West Virginia's September 8, 2006 redesignation request and maintenance plan because the requirements for approval have been satisfied. EPA has evaluated West Virginia's redesignation request, submitted on September 8, 2006, and determined that it meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. EPA believes that the redesignation request and monitoring data demonstrate that Parkersburg has attained the 8-hour ozone standard. The final approval of this redesignation request will change the designation of the Parkersburg, West Virginia portion of the Area from nonattainment to attainment for the 8-