

**§ 13.1308 Harding Icefield Trail.**

The Harding Icefield Trail from the junction with the main paved trail near Exit Glacier to the emergency hut near the terminus is closed to—

- (a) Camping within  $\frac{1}{8}$  mile of the trail from March 1 through November 1; and
- (b) Bicycles or other wheeled devices.

**§ 13.1310 Pets.**

- (a) Pets are prohibited—

(1) In the Exit Glacier Developed Area except in the parking lot, on the Exit Glacier road, or other areas designated by the superintendent;

(2) Along the coast within the area extending from the mean high tide line to one quarter mile inland after May 30 and before November 1.

(b) The restrictions in this section do not apply to dogs when sufficient snow exists for skiing or dog sled use and the dogs are restrained as part of a sled dog team or for the purposes of skijoring.

**§ 13.1312 Climbing and walking on Exit Glacier.**

Except for areas designated by the Superintendent, climbing or walking on, in, or under Exit Glacier is prohibited within  $\frac{1}{2}$  mile of the glacial terminus from May 1 through October 31, and during other periods as determined by the Superintendent. Restrictions and exceptions will be available for inspection at the park visitor center, on bulletin boards or signs, or by other appropriate means.

**§ 13.1316 Commercial transport of passengers by motor vehicles.**

Commercial transport of passengers by motor vehicles on Exit Glacier Road is allowed without a written permit. However, if required to protect public health and safety or park resources, or to provide for the equitable use of park facilities, the Superintendent may establish a permit requirement with appropriate terms and conditions for the transport of passengers. Failure to comply with permit terms and conditions is prohibited.

**Exit Glacier Developed Area (EGDA)****§ 13.1318 Location of the EGDA.**

(a) A map showing the boundaries of the EGDA is available at the park visitor center.

(b) For the purpose of this subpart, the EGDA means:

(1) From the park boundary to Exit Glacier Campground Entrance Road, all park areas within 350 meters (383 yards) of the centerline of the Exit Glacier Road;

(2) From Exit Glacier Campground Entrance Road to the end of the main paved trail, all park areas within 500

meters (546 yards) of any paved surface; or

(3) All park areas within 300 meters (328 yards) of the terminus of Exit Glacier.

**§ 13.1320 Camping.**

Within the EGDA, camping is prohibited except in designated sites within the Exit Glacier Campground, or as authorized by the Superintendent.

**§ 13.1322 Food storage.**

Cooking, consuming, storing or preparing food in the Exit Glacier Campground is prohibited except in designated areas.

**§ 13.1324 Bicycles.**

Within the EGDA, the use of a bicycle is prohibited except on the Exit Glacier Road and parking areas.

**§ 13.1326 Snowmachines.**

The use of snowmachines is prohibited within the EGDA, except—

- (a) On Exit Glacier Road;
- (b) In parking areas;
- (c) On a designated route through the Exit Glacier Campground to Exit Creek;
- (d) Within Exit Creek; and
- (e) For NPS administrative activities.

**§ 13.1328 EGDA closures and restrictions.**

The Superintendent may prohibit or otherwise restrict activities in the EGDA to protect public health, safety, or park resources, or to provide for the equitable and orderly use of park facilities. Information on closures and restrictions will be available at the park visitor information center. Violating closures or restrictions is prohibited.

**Subpart S—[Amended]**

- 16. Add § 13.1604 to subpart S to read as follows:

**§ 13.1604 Solid waste disposal.**

(a) A solid waste disposal site may accept non-National Park Service solid waste generated within the boundaries of the park area.

(b) A solid waste disposal site may be located within one mile of facilities as defined by this part so long as it does not degrade natural or cultural resources of the park area.

(c) A transfer station located wholly on nonfederal lands within Lake Clark National Park and Preserve may be operated without the permit required by §§ 6.4(b) and 6.9(a) only if:

(1) The solid waste is generated within the boundaries of the park area;

(2) The Regional Director determines that the operation will not degrade any of the natural or cultural resources of the park area; and

(3) The transfer station complies with the provisions of part 6 of this chapter.

(d) For purposes of this section, a transfer station means a public use facility for the deposit and temporary storage of solid waste, excluding a facility for the storage of a regulated hazardous waste.

**Subpart V—[Amended]**

- 17. Add § 13.1912 to subpart V to read as follows:

**§ 13.1912 Solid waste disposal.**

(a) A solid waste disposal site may accept non-National Park Service solid waste generated within the boundaries of the park area.

(b) A solid waste disposal site may be located within one mile of facilities as defined by this part so long as it does not degrade natural or cultural resources of the park area.

(c) A transfer station located wholly on nonfederal lands within Wrangell-St. Elias National Park and Preserve may be operated without the permit required by §§ 6.4(b) and 6.9(a) only if:

(1) The solid waste is generated within the boundaries of the park area;

(2) The Regional Director determines that the operation will not degrade any of the natural or cultural resources of the park area; and

(3) The transfer station complies with the provisions of part 6 of this chapter.

(d) For purposes of this section, a transfer station means a public use facility for the deposit and temporary storage of solid waste, excluding a facility for the storage of a regulated hazardous waste.

Dated: December 17, 2007.

**Lyle Laverty,**

*Assistant Secretary, Fish and Wildlife and Parks.*

[FR Doc. E8-748 Filed 1-16-08; 8:45 am]

**BILLING CODE 4310-EF-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

**[EPA-R03-OAR-2007-0644; FRL-8516-9]**

**Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Stage II Requirements**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan

(SIP). The revisions will allow the Maryland Department of the Environment to utilize inspections of Stage I and Stage II systems by a certified inspector. EPA is approving these revisions to the Maryland SIP in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on March 17, 2008 without further notice, unless EPA receives adverse written comment by February 19, 2008. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2007-0644 by one of the following methods:

A. [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for submitting comments.

B. E-mail:

[fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. Mail: EPA-R03-OAR-2007-0644, Cristina Fernandez, 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-2007-0644. 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](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 [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](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 [www.regulations.gov](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.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://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](http://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:** Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. This supplementary information is arranged as follows:

- I. What Action Is EPA Taking Today?
- II. Why Is EPA Taking This Action?
- III. How Did EPA Review the Commonwealth's Submittal?
- IV. What Final Action Is EPA Taking Today?
- V. Statutory and Executive Order Reviews

**I. What Action Is EPA Taking Today?**

EPA is approving revisions to the Maryland State Implementation Plan (SIP), which were submitted by the Maryland Department of the Environment (MDE). These changes, which include amendments to Regulation .01 and new Regulation .05-1 under COMAR 26.11.24 Stage II Vapor Recovery at Gasoline Dispensing Facilities amend Maryland's existing Stage II regulatory requirements. Specifically, the amendments and additions will allow MDE to utilize inspections of Stage I and Stage II systems by a certified inspector under COMAR 26.10.03.10. During one calendar year, approximately one-third of those stations required to be inspected would be inspected by

certified inspectors. Based upon the inspections reports, MDE will be able to better target state-conducted inspections.

**II. Why Is EPA Taking This Action?**

MDE revised its Stage II requirements in order to enhance its inspection efficiency. EPA is approving these revisions as necessary for attainment and maintenance of the ozone standard in the State of Maryland.

**III. How Did EPA Review the State's Submittal?**

Maryland's SIP revisions (#07-02) were submitted by MDE on February 15, 2007. EPA evaluated MDE's revised Stage II requirements to verify that the revisions were consistent with the previously approved Stage II regulations for the State and met the requirements found in EPA's Stage II enforcement and technical documentation. The revisions were also reviewed for compliance with the CAA.

**IV. What Final Action Is EPA Taking Today?**

EPA is approving a SIP revision request submitted by MDE that allows for use of third party inspectors of Stage I and Stage II systems.

We are publishing this rule without prior proposal because the Agency views this as a non-controversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on March 17, 2008 without further notice unless EPA receives adverse comment by February 19, 2008. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**V. 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 CAA. 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 approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. 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 CAA. 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 CAA, petitions for judicial review of this

action must be filed in the United States Court of Appeals for the appropriate circuit by *March 17, 2008*. 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, approving revisions to Maryland's Stage II regulations, 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 8, 2008.

**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 revising the entry for COMAR 26.11.24.01 and adding an entry for COMARS 26.11.24.05-1 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
26.11.24 .....	*	*	*	*
26.11.24.01 .....	Definitions .....	1/29/07 .....	1/17/08 [Insert page number where the document begins].	Addition of "Certified Inspector" and "Vapor Recovery System."
26.11.24.05-1 .....	Inspections by a Certified Inspector.	1/29/07 .....	1/17/08 [Insert page number where the document begins].	*

\* \* \* \* \*

[FR Doc. E8-579 Filed 1-16-08; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-1011; FRL-8517-2]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Stage II Requirements in Allegheny County

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Commonwealth of Pennsylvania State Implementation Plan which were submitted on November 21, 2006 by the Pennsylvania Department of Environmental Protection (PADEP). These revisions modify and clarify the existing regulatory requirements for the control of volatile organic compounds from gasoline dispensing facilities in Allegheny County. The revisions modify the compliance dates and make other minor technical amendments to the efficiency and compliance testing portions of the Stage II regulations in Allegheny County. EPA is approving these revisions to the Commonwealth of Pennsylvania's State Implementation Plan in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on March 17, 2008 without further notice, unless EPA receives adverse written comment by February 19, 2008. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2006-1011 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. E-mail: [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov)  
C. Mail: EPA-R03-OAR-2006-1011, Cristina Fernandez, 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-2006-1011. 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](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 [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](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 [www.regulations.gov](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.

**Docket:** All documents in the electronic docket are listed in the [www.regulations.gov](http://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](http://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 Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301

39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. This supplementary information is arranged as follows:

- I. What Action Is EPA Taking Today?
- II. Why Is EPA Taking This Action?
- III. How Did EPA Review the Commonwealth's Submittal?
- IV. What Final Action Is EPA Taking Today?
- V. Statutory and Executive Order Reviews

#### I. What Action Is EPA Taking Today?

EPA is approving revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP), which were submitted on November 21, 2006 by PADEP. These changes to Allegheny County's Article XXI Air Pollution Control Rules and Regulations amend the existing Stage II regulatory requirements to conform with 25 PA Code, Chapter 129, Standards for Sources, section 129.82, Control of volatile organic compounds (VOCs) from gasoline dispensing facilities. Specifically, the revisions incorporate revised compliance dates for Allegheny County, and make other minor technical amendments. The revised Stage II compliance dates are all now in the past, so gasoline dispensing facilities with throughput greater than 10,000 gallons per month are subject to these regulations. In the case of independent small business marketers, as defined in Section 324 of the CAA, the regulation does not apply if the throughput is less than 50,000 gallons per month. Allegheny County has also revised its regulations to establish functional testing and certification requirements, as well as recordkeeping requirements consistent with EPA's regulations. The regulation also establishes a 95% efficiency for Stage II vapor recovery systems in Allegheny County, consistent with EPA requirements.

#### II. Why Is EPA Taking This Action?

EPA is approving these SIP revisions to the Commonwealth of Pennsylvania SIP. The Allegheny County Health Department (ACHD) revised its Stage II VOC control requirements in order to follow revisions to Stage II requirements that were made at the State level. EPA is approving these revisions as necessary for attainment and maintenance of the ozone standard in Southwest Pennsylvania.