

dates specified in paragraph (d). The Coast Guard does not know the exact dates of the construction operations at this time, however Sector St. Petersburg will announce each enforcement period by issuing Broadcast Notice to Mariners 24 to 48 hours prior to the start of enforcement. Additionally, on-scene notice will be provided by Coast Guard or other local law enforcement maritime units enforcing the safety zone.

Dated: October 16, 2006.

**J.A. Servidio,**

*Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg, Florida.*

[FR Doc. E6-19679 Filed 11-20-06; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2006-0390; FRL-8244-6]

#### Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis

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

**ACTION:** Direct final rule.

**SUMMARY:** In this direct final action, the EPA is approving the Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled (VMT) Offset Analysis. The Baton Rouge area became subject to this requirement upon its reclassification from serious to severe 1-hour ozone nonattainment. The State has satisfied the VMT Offset requirement by its demonstration that motor vehicle emissions from increases in VMT or number of vehicle trips within the Baton Rouge five county ozone nonattainment area will not rise above an established ceiling through 2005. This action is being taken under sections 110 and 182 of the Federal Clean Air Act, as amended (the Act).

**DATES:** This direct final rule is effective on January 22, 2007 without further notice, unless EPA receives relevant adverse comment by December 21, 2006. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R06-OAR-2006-0390, by one of the following methods:

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

- U.S. EPA Region 6 "Contact Us" Web site: <http://epa.gov/region6/r6coment.htm>. Please click on "6PD" (Multimedia) and select "Air" before submitting comments.

- E-mail: Mr. Thomas Diggs at [diggs.thomas@epa.gov](mailto:diggs.thomas@epa.gov). Please also cc the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

- Fax: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.

- Mail: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

- Hand or Courier Delivery: Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8am and 4pm weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-R06-OAR-2006-0390. 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) website 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 docket are listed in the [www.regulations.gov](http://www.regulations.gov)

index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30am and 4:30pm weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at (214) 665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, LA 70802.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Sandra Rennie at (214) 665-7367, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, fax number 214-665-7263; e-mail address [rennie.sandra@epa.gov](mailto:rennie.sandra@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

#### **Table of Contents**

- I. Background
- II. Analysis of VMT Plan
- III. Final Action
- IV. Statutory and Executive Order Reviews

#### **I. Background**

##### *What Is a VMT SIP?*

Section 182(d)(1)(A) of the Act requires states containing ozone nonattainment areas classified as severe, pursuant to section 181(a) of the Act, to adopt transportation control strategies and TCMs to offset increases in emissions resulting from growth in VMT or numbers of vehicle trips and to obtain reductions in motor vehicle emissions as necessary (in combination

with other emission reduction requirements) to comply with the Act's Reasonable Further Progress milestones (section 182(b)(1) and (c)(2)(B)) and attainment demonstration requirements (section 182(c)(2)(A)). Our interpretation of section 182(d)(1)(A) is discussed in the April 16, 1992, General Preamble to Title I of the Act (57 FR 13498, the General Preamble). Section 182(d)(1)(A) of the Act requires that states submit the VMT Offset SIP by November 15, 1992, for any severe and above ozone nonattainment area. The VMT Offset SIP became a requirement for the Baton Rouge area due to EPA's reclassification of the area from serious to severe on April 24, 2003 (68 FR 20077).

#### *How Is the VMT Offset Requirement Satisfied?*

The EPA General Preamble (57 FR 13498, 13521–13523, April 16, 1992) explains how to demonstrate that the VMT requirement is satisfied. Sufficient measures must be adopted so projected motor vehicle volatile organic compound (VOC) emissions will stay beneath a ceiling level established through modeling of mandated transportation-related controls. When growth in VMT and vehicle trips would otherwise cause a motor vehicle emissions upturn, this upturn must be prevented by TCMs. If projected total motor vehicle emissions during the ozone season in one year are not higher than during the previous ozone season due to the control measures in the SIP, the VMT Offset requirement is satisfied. In order to make these projections, curves of vehicle emissions were modeled using mandated measures, along with VMT (please refer to Charts 1 and 2 in the Technical Support Document). Charts 1 and 2 each show significant declines in VOC emissions from on-road mobile sources during the 15-year period graphed for the offset analysis. The charts profile the effects of several factors that are affecting emissions simultaneously, including but not limited to: (a) The “fleet turnover” effect derived from implementation of Federal motor vehicle control program (National Low Emission Vehicle and Tier 2/low sulfur gasoline); (b) the nonattainment area's low enhanced vehicle inspection and maintenance (I/M) program, and; (c) either the sale and use of reformulated gasoline (Chart 1 only), or the continued sale and use of convention gasoline (Chart 2 only).<sup>1</sup>

<sup>1</sup> The use of Reformulated Gasoline (RFG) in the Baton Rouge nonattainment area was suspended in July 2004 by the U.S. Court of Appeals for the Fifth Circuit, and the Court transferred the case and motion to stay to the D.C. Circuit. This offset

Also contributing to the decline in emissions growth is the fact that inventoried and projected VMT data has actually decreased slightly during the 1996–2005 time period by approximately two (2) percent.

## **II. Analysis of VMT Plan**

### *What Does Louisiana's Demonstration Show?*

The March 22, 2005, VMT Offset Analysis SIP submittal includes a projection of the mobile source emissions and a VMT projection for Baton Rouge through 2005, the date by which the Baton Rouge area was to attain the 1-hour NAAQS for ozone. It contains a modeled scenario that includes the effects of reductions from the following mandated programs: federal motor vehicle control programs (Tier 2/Low Sulfur Gasoline Program Credits and National Low Emission Vehicle Credits), a low enhanced vehicle I/M program, and either reformulated gasoline or Federal 7.8 Reid Vapor Pressure gasoline (Charts 1 and 2, respectively).

### *Results of Analysis*

The modeled curves satisfy the VMT Offset requirement as discussed in the General Preamble. Modeling at no time shows the emission estimates meeting or exceeding the lowest point in 2005. The VOC curves in these instances show that no true ceiling is established in this demonstration because there is no upward turn of the VOC curve to identify the lowest point. Because the curves do not turn upward, no TCMs are necessary to offset emissions from growth in VMT. Because there is no upturn in VOCs and no ceiling under which VOC emissions must remain, then no TCMs are required to keep emissions below any ceiling.

## **III. Final Action**

EPA is approving Louisiana's VMT Offset Analysis SIP submitted by the State on March 22, 2005. The VMT Offset requirement is satisfied because projected total motor vehicle emissions during the ozone season in one year are not higher than during the ozone season the year before due to the control measures in the SIP. We determined that Louisiana has adequately demonstrated that emissions from growth in VMT and number of vehicle trips will not rise above an established ceiling during the required timeframe.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and

analysis includes analyses of both RFG and conventional gas fuels scenarios.

anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on January 22, 2007 without further notice unless we receive relevant adverse comment by December 21, 2006. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## **IV. Statutory and Executive Order Reviews**

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 standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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 is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 Clean Air Act. 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.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 2007. 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 9, 2006.

**Richard E. Greene,**  
Regional Administrator, Region 6.

■ 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 T—Louisiana**

■ 2. The table in § 52.970(e) entitled, "EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures," is amended by adding to the end of the table a new entry for "Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis" to read as follows:

**§ 52.970 Identification of plan.**

\* \* \* \* \*  
(e) \* \* \*

**EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or nonattainment area	State Submittal/ effective date	EPA approval date	Explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Vehicle Miles Traveled Offset Analysis.	Baton Rouge Nonattainment Area	03/22/05	11/21/06	[Insert FR page number where document begins].

[FR Doc. E6-19641 Filed 11-20-06; 8:45 am]

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

[EPA-R06-OAR-2005-TX-0015; FRL-8244-3]

**Approval and Promulgation of Air Quality Implementation Plans; TX; Revisions To Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** On September 28, 2006 (71 FR 56872), EPA published a direct final rule approving Texas State Implementation Plan (SIP) revisions that pertain to regulations to control Volatile Organic Compound (VOC) emissions from facilities in Texas. The direct final action was published without prior proposal because EPA anticipated no adverse comment. EPA stated in the direct final rule that if EPA received adverse comment by October 30, 2006, EPA would publish a timely withdrawal in the *Federal Register*. EPA subsequently received a timely adverse comment on the direct final rule. Therefore, EPA is withdrawing the direct final approval. EPA will address the comment in a subsequent final action based on the parallel proposal also published on September 28, 2006 (71 FR 56920). As stated in the parallel proposal, EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published on September 28, 2006 (71 FR 56872), is withdrawn as of November 21, 2006.

**FOR FURTHER INFORMATION CONTACT:** Carl Young, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-6645; fax number 214-665-7263; e-mail address [young.carl@epa.gov](mailto:young.carl@epa.gov).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 14, 2006.

**Lawrence E. Starfield,***Acting Regional Administrator, Region 6.*

Accordingly, the amendments to 40 CFR 52.2270 published in the *Federal Register* on September 28, 2006 (71 FR 56872), which were to become effective on November 27, 2006, are withdrawn.

[FR Doc. E6-19639 Filed 11-20-06; 8:45 am]

BILLING CODE 6560-50-P

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED****41 CFR Part 51**

RIN 3037-AA06

**Adding New Military Resale Number Series****AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.**ACTION:** Final rule.

**SUMMARY:** The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee) has in its procurement program nonprofit agencies that sell products to military commissary stores for resale. The items sold are assigned to specific number series so that the nonprofit agencies, the Committee, and the military stores may identify the specific products. The number series are only used for identification of specific products sold in the military stores. These product numbers are internal only to the Committee, the nonprofit agencies, and the military commissaries. This proposed rule adds additional number series to the authorized series so that replacement products may have their own unique identifying numbers.

**DATES:** *Effective Date:* November 21, 2006.

**ADDRESSES:** The Committee office is located at Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, VA 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** For more information, contact Kimberly Zeich by telephone (703) 603-7740, or by facsimile at (703) 603-0030, or by mail at the Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Hwy., Suite 10800, Arlington, VA 22202-3259.

**SUPPLEMENTARY INFORMATION:** The Committee's regulation at 41 CFR 51-6.4, Military Resale Commodities, requires military commissary stores and other military resale outlets to stock certain products in the Committee's

program, which are identified by special military resale number series. 41 CFR 51-6.4 references number series 400-, 500-, 800-, 900- and 1000-series, with the 800-, 900-, and 1000-series being stocked exclusively and all series being stocked in as broad a range as practicable. Additional number series are required because the numbers cannot be re-used after being assigned to a product. The expansion of the number series will not expand the scope of the military resale products, rather it will allow for the effective administration and maintenance of the military resale program at its current level. This final rule adds series 300-, 1100- and 10,000- (10,000-10,999) to 41 CFR 51-6.4(b); series 0- (0-99), 200-, 300-, 600-, 700-, 1100-, 1200- (1200-9999), and 10000- (10000-10999) to 41 CFR 51-6.4(c)(2) to be stocked in as broad a range as practicable; series 300-, 1100-, and 10000- (10000-10999) to 41 CFR 51-6.4(c)(4); and series 300-, 1100- and 10,000- (10,000-10,999) to 41 CFR 51-6.4(d).

*Executive Order 12866:* This agency has made the determination that this rule is not significant for the purposes of EO 12866.

*Administrative Procedure Act:* The Committee finds under 5 U.S.C. 553(b)(3)(B) that good cause exists to waive prior notice and opportunity for public comment. This final rule simply adds numbers to a series of number that already exist. These series are internal to this agency and have no impact on nonprofit agencies not working in the military resale area. National Industries for the Blind, a central nonprofit agency in the Committee's program, requested these specific number series on behalf of the nonprofit agencies that participate in the military resale arena. The Defense Commissary Agency also asked the Committee to take this action. Since both the Federal and nonprofit agencies requested these number series, it is highly unlikely that there would be any adverse comments on this rule. Because this amendment is not a substantive change to the regulation, it is unnecessary to provide notice and opportunity for public comment. Further, pursuant to 5 U.S.C. 553(b)(3)(A), this rule of agency organization, procedure and practice is not subject to the requirement to provide prior notice and opportunity for public comment. The Committee also finds that the 30-day delay in effectiveness, required under 5 U.S.C. 553(d), is inapplicable because this rule is not a substantive rule. This final rule merely expands the series of item numbers for use in the military resale program.