

of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this proposed rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This proposed rule fits in paragraph (34)(g) because it is a regulated navigation area. A preliminary “Environmental Analysis Check List” is available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision whether this rule should be categorically excluded from further environmental review.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add new temporary § 165.T07–187 to read as follows:

#### § 165.T07–187 Regulated Navigation Area, San Carlos Bay, Florida.

(a) *Regulated area.* The following area is a regulated navigation area (RNA): The waters bounded by the following points: NW Corner: 26°28'59" N, 082°00'54" W; NE Corner: 26°28'59" N, 082°00'52" W; SE Corner: 26°28'57" N, 082°00'51" W; SW Corner: 26°28'57" N, 082°00'53" W.

(b) *Regulations.* (1) A vessel in the RNA established under paragraph (a) of this section will operate at no-wake speed. Nothing in this rule is to be construed as to negate the requirement to at all times operate at a safe speed as provided in the Navigation Rules and Regulations.

(2) A one-way traffic scheme is established. Vessel traffic may proceed in one direction at a time through the RNA. Overtaking is prohibited.

(3) Tugs with barges must be arranged in a push-ahead configuration, with the barges made up in tandem, or as side tows. Tugs must be of adequate horsepower to maneuver the barges. Tug and barge traffic may transit the RNA at slack water only.

(4) Stern tows are prohibited except for assistance towing vessels, subject to certain conditions. Assistance towing vessels may conduct stern tows of disabled vessels that are less than or equal to 30 feet in length. For vessels that are greater than 30 feet in length, assistance towing vessels may use a towing arrangement in which one assistance towing vessel is in the lead, towing the disabled vessel, and another assistance towing vessel is astern of the disabled vessel. Side tows are also permitted. All assistance towing vessels operating within the regulated navigation area must be of adequate horsepower to maneuver the vessel under tow and the transit must be at slack water only.

(c) *Definitions.* The following definitions apply to this section:

(1) *Assistance towing* means assistance provided to disabled vessels.

(2) *Assistance towing vessels* means commercially registered or documented vessels that have been specially equipped to provide commercial

services in the marine assistance industry.

(3) *Disabled vessel* means a vessel, which, while being operated, has been rendered incapable of proceeding under its own power and is in need of assistance.

(4) *Overtaking* means a vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the stern light of the vessel but neither of her sidelights.

(5) *Slack water* means the state of a tidal current when its speed is near zero, especially the moment when a reversing current changes direction and its speed is zero. The term also is applied to the entire period of low speed near the time of turning of the current when it is too weak to be of any practical importance in navigation.

(6) *Vessel* means every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on the water.

(d) *Violations.* Persons in violation of these regulations will be subject to civil penalty under 33 U.S.C. 1232 of this part, to include a maximum civil penalty of \$32,500 per violation.

(e) *Effective period.* This section is effective from 8 a.m. on January 7, 2007, until 8 a.m. on January 6, 2008.

Dated: October 31, 2006.

**D.W. Kunkel,**

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

[FR Doc. E6–19680 Filed 11–20–06; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R06–OAR–2006–0390; FRL–8244–7]

#### 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:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the Louisiana State Implementation Plan (SIP) for the Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled (VMT) Offset Analysis submitted to EPA on March 22, 2005.

The Baton Rouge area became subject to this requirement upon its reclassification from serious to severe 1-hour ozone nonattainment. This action is being taken under sections 110 and 182 of the Federal Clean Air Act, as amended (the Act).

**DATES:** Written comments must be received on or before December 21, 2006.

**ADDRESSES:** Comments may be mailed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**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:** In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: November 9, 2006.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

[FR Doc. E6-19642 Filed 11-20-06; 8:45 am]

**BILLING CODE 5650-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Columbian Sharp-Tailed Grouse as Threatened or Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the Columbian sharp-tailed grouse (*Tympanuchus phasianellus columbianus*) as threatened or endangered under the Endangered Species Act of 1973, as amended. We find that the petition does not provide substantial information indicating that listing the Columbian sharp-tailed grouse may be warranted. Therefore, we are not initiating a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of the Columbian sharp-tailed grouse or threats to it.

**DATES:** The finding announced in this document was made on November 21, 2006. Comments and information concerning this finding may be submitted until further notice.

**ADDRESSES:** Data, information, comments, and material concerning this finding may be submitted to the Supervisor, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service, 11103 East Montgomery Drive, Spokane, WA 99206. The complete file for this finding is available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Susan Martin, Field Supervisor, Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section above), by telephone at (509) 891-6839, or by facsimile to (509) 891-6748.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base the finding on

information provided in the petition and supporting information available in our files at the time of the petition review. To the maximum extent practicable, we are to make the finding within 90 days of our receipt of the petition, and publish a notice of the finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we evaluated information provided by the petitioners and contained in our files in accordance with 50 CFR 424.14(b). Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and 50 CFR 424.14(b) is limited to a determination of whether the information in the petition provides "substantial information" that the petitioned action may be warranted.

On October 18, 2004, we received a petition, dated October 14, 2004, from Forest Guardians, American Lands Alliance, Biodiversity Conservation Alliance, Center for Biological Diversity, Center for Native Ecosystems, The Larch Company, Northwest Ecosystem Alliance, Oregon Natural Desert Association, and Western Watersheds Project (petitioners). The petitioners requested that the Columbian sharp-tailed grouse be listed as threatened or endangered throughout its historic range in accordance with section 4 of the Act.

We were required to complete a significant number of listing actions in 2005, pursuant to court orders and judicially approved settlement agreements, and were unable to address the petition at that time. On January 18, 2005, we acknowledged receipt of the petition, and indicated to the petitioners that we would not be able to address the petition at that time due to other priorities relating to court orders and settlement agreements. On November 25, 2005, we received a Notice of Intent to Sue (NOI), dated November 22, 2005, for our failure to make a 90-day finding on the petition. On April 5, 2006, we received a formal complaint, which had been filed on March 20, 2006. On May 31, 2006, the U.S. District Court of Idaho granted a Stipulated Settlement Agreement between us and the petitioners, wherein we agreed to publish a 90-day finding on the petition