

**8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use**

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

**9. National Technology Transfer Advancement Act**

EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets requirements of RCRA. 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 to this rule.

**10. Executive Order 12988**

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

**11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings**

EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the Executive Order.

**12. Congressional Review Act**

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication 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).

**List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 23, 2005.

**Gary Gulezian,**

*Acting Regional Administrator, Region 5.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-8022-9]

**National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List**

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

**ACTION:** Technical correction of direct final partial deletion.

**SUMMARY:** On September 21, 2005, EPA published a notice of intent to delete (70 FR 55329) and a direct final notice of deletion (70 FR 55296) for a portion of the Tar Lake Superfund Site from the National Priorities List. The EPA is publishing this Technical Correction to the direct final notice of deletion due to errors that were published in Appendix B in direct final Notice of Deletion. After review of the direct final Notice of Deletion, EPA is publishing today this Technical Correction to change the word "removing" to the word "revising" and the location of the site from the township "Mancelona, Michigan," to the "Mancelona Township, Michigan." EPA will place a copy of the final deletion package in the site repositories.

**DATES:** This Technical Correction of the direct final action is effective as of January 20, 2006.

**ADDRESSES:** Comprehensive information on the Site, as well as the comments that were received during the comment period are available at: Stuart Hill, Community Involvement Coordinator, U.S. EPA, P19J, 77 W. Jackson, Chicago, IL, (312) 886-0684 or 1-800-621-8431.

**FOR FURTHER INFORMATION CONTACT:**

Gladys Beard, State NPL Deletion Process Manager, U.S. EPA (SR-6J), 77 W. Jackson, Chicago, IL 60604, (312) 886-7253 or 1-800-621-8431.

**Information Repositories:** Repositories have been established to provide detailed information concerning this decision at the following address: U.S. EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353-6821, Monday through Friday 8 a.m. to 4 p.m.; Mancelona Public Library, 202 W. State Street, Mancelona, MI 49945, (231) 587-9451, Monday through Friday 8 a.m. to 4 p.m., Tuesday and Thursday 6 p.m. to 8 p.m.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: December 29, 2005.

**Gary V. Gulezian,**

*Acting Regional Administrator, EPA Region V.*

**Technical Correction**

■ In direct final rule FR Doc. 05-18834, beginning on page 55300, 3rd column, in the issue of September 21, 2005, make the following correction. The correction should read as follows:

**Appendix B to Part 300—[Corrected]**

■ 2. Table 1 of Appendix B to Part 300 is amended under Michigan "MI" by revising the entry for "Tar Lake" to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1.—GENERAL SUPERFUND SECTION

| State | Site name | City/county | Notes <sup>a</sup> |
|-------|-----------|-------------|--------------------|
| MI    | Tar Lake  | Antrim      | P                  |

(<sup>a</sup>) \* \* \*  
P=Sites with partial deletion(s).

\* \* \* \* \*  
[FR Doc. E6-572 Filed 1-19-06; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 171**

[OST DOCKET NO. 2005-22114]

RIN 2105-AD53

**Standard Time Zone Boundary in the State of Indiana**

**AGENCY:** Office of the Secretary (OST), the Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** DOT is relocating the time zone boundary in Indiana to move Starke, Pulaski, Knox, Daviess, Martin, Pike, Dubois, and Perry Counties from the Eastern Time Zone to the Central Time Zone. DOT is not changing the time zone boundary to move St. Joseph, Marshall, Fulton, Benton, White, Carroll, Cass, Vermillion, Sullivan, and Lawrence Counties from the Eastern Time Zone to the Central Time Zone. This action is taken in response to petitions filed by the County Commissioners and extensive comment provided at public hearings and to the docket.

**DATES:** The effective date of this rule is 2 a.m. EST Sunday, April 2, 2006, which is the changeover date from standard time to Daylight Saving Time.

**FOR FURTHER INFORMATION CONTACT:** Judith S. Kaleta, Office of the General Counsel, U.S. Department of Transportation, Room 10428, 400 Seventh Street, Washington, DC 20590, *indianatime@dot.gov*; (202) 366-9283.

**SUPPLEMENTARY INFORMATION:**

**Time Observance in Indiana**

*General History*

The time zone for Indiana has been the subject of much debate since time zones were established, as noted by DOT in a notice proposing to change the time zone in Indiana, 56 FR 13609 (April 3, 1991). In 1918, when the Federal government first established time zones, all of Indiana was in the Central Time Zone. In 1961, the Interstate Commerce Commission, DOT's predecessor in setting time zones, moved the eastern half of Indiana to the Eastern Time Zone, but denied requests to move more of the State.

In 1967, at the request of the Governor of Indiana, in a notice of proposed rulemaking, DOT proposed to restore the entire State to the Central Time Zone. However, in 1968, DOT modified its proposal and proposed instead that the entire State be in the Eastern Time Zone with the exception of six counties in the northwest and seven in the southwest which would remain in the Central Time Zone. That modified proposal was supported by the commenters, with one exception. Commenters did not support moving one of the southwest counties to the Central Time Zone. Subsequently, effective April 27, 1969, time zone boundaries were established to place all of Indiana in the Eastern Time Zone with the exception of six counties in the northwest and six counties in the southwest.

With regard to the counties in southwest Indiana, in 1977, the Pike County Commissioners petitioned DOT to be moved to the Eastern Time Zone. After proposing the change and receiving comments, DOT moved Pike County to the Eastern Time Zone. The Indiana General Assembly requested that DOT move the 5 remaining southwest counties from the Central Time Zone to the Eastern Time Zone, in 1985, but DOT denied the request,

finding that the move would not serve the "convenience of commerce."

With regard to the counties in northwest Indiana, in 1986, the Jasper County Commissioners and the Starke County Commissioners made separate requests to move each county from the Central Time Zone to the Eastern Time Zone. DOT denied their requests, finding that changing the boundaries would not serve the "convenience of commerce." In 1991, in a subsequent proceeding, based on another request from the Starke County Commissioners, DOT changed the time zone boundary to move Starke County into the Eastern Time Zone.

*Current Indiana Time Observance*

Under Federal law, 82 Indiana counties are in the Eastern Time Zone and 10 are in the Central Time Zone. The Central Time Zone counties include five in the northwest (Lake, Porter, La Porte, Newton, and Jasper) and five in the southwest (Posey, Vanderburgh, Warrick, Spencer and Gibson). Neighboring States observe both eastern and central time. Illinois and western Kentucky observe central time, while eastern Kentucky, Ohio, and the portion of Michigan adjoining Indiana observe eastern time.

Federal law provides that it is up to an individual State to decide whether or not to observe Daylight Saving Time. Generally, a State must choose to observe, or not observe, Daylight Saving Time across the entire State. The one exception is that, if a State is in more than one time zone, a "split" observance is permitted. Under this scenario, all of a State that is in one time zone may observe Daylight Saving Time, while the remainder of the State in the different time zone does not. Under Indiana law, for many years, the Central Time Zone portion of the State has observed Daylight Saving Time, while the Eastern Time Zone portion of the State has not observed Daylight Saving Time.