

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.

*Executive Order 13045 Protection of Children From Environmental Health and Safety Risks*

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.

*National Technology Transfer Advancement Act*

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.

*Paperwork Reduction Act*

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.*).

*Congressional Review Act*

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. section 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 2, 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 14, 2006.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

■ For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations 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 P—Indiana**

■ 2. Section 52.770 is amended by adding paragraph (c)(177) to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(177) The Indiana Department of Environmental Management submitted revisions to Indiana's State Implementation plan on December 21, 2005, and June 27, 2006. Revisions to 326 IAC 1-3-4 provide consistency between State (326 IAC 1-3-4) and Federal (40 CFR 50.3) reference conditions for measurements of particulate matter air quality; and amendments to 326 IAC 1-1-3 update the references to the Code of Federal Regulations (CFR) from the 2002 edition to the 2004 edition.

(i) Incorporation by reference. The following sections of the Indiana Administrative Code are incorporated by reference.

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 1: Provisions Applicable Throughout Title

326, Section 3: References to the Code of Federal Regulations. Filed with the Secretary of State on October 14, 2005 and effective on November 13, 2005. Published at Indiana Register, Volume 29, Number 3, December 1, 2005 (29 IR 795).

(B) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 3: Ambient Air Quality Standards, Section 4: Ambient Air Quality Standards. Filed with the Secretary of State on March 6, 2006 and effective on April 5, 2006. Published at Indiana Register, Volume 29, Number 7, April 1, 2006 (29 IR 2179).

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**49 CFR Part 106**

**Rulemaking Procedures**

*CFR Correction*

In Title 49 of the Code of Federal Regulations, parts 100 to 185, revised as of October 1, 2005, on page 17, part 106 is corrected by reinstating § 106.100 to read as follows:

**§ 106.100 Required information for a petition for rulemaking.**

(a) You must include the following information in your petition for rulemaking:

(1) A summary of your proposed action and an explanation of its purpose.

(2) The language you propose for a new or amended rule, or the language you would delete from a current rule.

(3) An explanation of your interest in your proposed action and the interest of anyone you may represent.

(4) Information and arguments that support your proposed action, including relevant technical and scientific data available to you.

(5) Any specific cases that support or demonstrate the need for your proposed action.

(b) If the impact of your proposed action is substantial, and data or other information about that impact are available to you, we may ask that you provide information about the following:

(1) The costs and benefits of your proposed action to society in general, and identifiable groups within society in particular.

(2) The direct effects, including preemption effects under section 5125 of Federal hazardous materials transportation law, of your proposed action on States, on the relationship between the Federal government and the States, and on the distribution of power and responsibilities among the various levels of government. (See 49 CFR part 107, subpart C, regarding preemption.)

(3) The regulatory burden of your proposed action on small businesses, small organizations, small governmental jurisdictions, and Indian tribes.

(4) The recordkeeping and reporting burdens of your proposed action and whom they would affect.

(5) The effect of your proposed action on the quality of the natural and social environments.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[I.D. 102406A]

#### Fraser River Sockeye Salmon Fisheries; Inseason Orders

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary inseason orders; request for comments.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2006 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders.

Comments will be accepted through November 15, 2006.

**ADDRESSES:** Comments may be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way N.E., BIN C15700-Bldg. 1,

Seattle, WA 98115-0070. Comments can also be submitted via e-mail at [Fraser2006salmon@noaa.gov](mailto:Fraser2006salmon@noaa.gov), or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments and include "I.D. 102406A" in the subject line of the message. Information relevant to this document is available for public review during business hours at the office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:**

David Cantillon, (206) 526-4140.

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631-3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F provide a framework for the implementation of certain regulations of the Commission and inseason orders of the Commission's Fraser River Panel for U.S. sockeye and pink salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye and pink salmon fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by Regional Administrator, Northwest Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical. Therefore, the 2006 orders are being published in this single document to avoid fragmentation.

#### Inseason Orders

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by NMFS during the 2006 fishing season. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR

300.97(b)(1); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220-22:

*Order No. 2006-01:* Issued 12 p.m., July 27, 2006.

Treaty Indian Fisheries Areas 4B, 5, and 6C: Open for drift gill nets from 12 p.m. (noon), Friday, July 28, 2006, to 12 p.m., Wednesday, August 2, 2006.

*Order No. 2006-02:* Issued 11:45 a.m., August 2, 2006.

Treaty Indian Fisheries Areas 4B, 5, and 6C: Open period for drift gill nets from 12 p.m., Wednesday, August 2, 2006, to 12 p.m., Saturday, August 5, 2006.

*Order No. 2006-03:* Issued 11:45 a.m., August 4, 2006.

Treaty Indian Fisheries Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., Saturday, August 5, 2006 through 12 p.m., Wednesday, August 9, 2006.

Areas 6, 7, and 7A: Open to net fishing from 4 a.m. Sunday, August 6, 2006 to 9 p.m. Sunday, August 6, 2006.

All Citizen Fisheries Areas 7 and 7A Purse Seine: Open to fishing from 8 a.m. until 6 p.m. on Monday, August 7, 2006.

Areas 7 and 7A Gillnet: Open to fishing from 2 p.m. until 11:59 p.m. (Midnight) on Monday, August 7, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 10 a.m. until 8 p.m. on Monday, August 7, 2006.

*Order No. 2006-04:* Issued 11:45 a.m., August 8, 2006.

Treaty Indian Fisheries Areas 4B, 5, and 6C: Open for drift gillnets from 12 p.m., Wednesday, August 9, 2006 to 12 p.m., Saturday, August 12, 2006.

Areas 6, 7, and 7A: Open to net fishing from 4 a.m., Thursday, August 10, 2006 to 10 p.m., Friday, August 11, 2006.

All Citizen Fisheries Areas 7 and 7A Gillnet: Open to fishing from 8 a.m. until 11:59 p.m., Wednesday, August 9, 2006.

Areas 7 and 7A Purse Seine: Open to fishing from 5 a.m. until 9 p.m., August 9, 2006.

Areas 7 and 7A Reef Net: Open to fishing from 5 a.m. until 9 p.m., Wednesday, August 9, 2006.

*Order No. 2006-05:* Issued 11:45 a.m., August 11, 2006.