

requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that 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.” This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

IX. 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 this final rule in the *Federal Register*. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 7, 2005.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—AMENDED

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.552 is amended by adding text to paragraph (b) to read as follows:

§ 180.552 Sulfosulfuron; pesticide tolerances.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for the combined residues of the herbicide sulfosulfuron, 1-(4,6-dimethoxypyrimidin-2-yl)-3-[(2-ethanesulfonyl-imidazo[1,2-al]pyridine-3-yl)sulfonyl]urea and metabolites converted to 2-(ethylsulfonyl)-imidazo[1,2-al]pyridine (calculated as sulfosulfuron) in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances are specified in the following table. The tolerances will expire on the dates specified in the table.

Commodity	Parts per million	Expiration/revocation date
Bahiagrass, forage	11	12/31/09
Bahiagrass, hay	40	12/31/09

Commodity	Parts per million	Expiration/revocation date
Bermudagrass, forage	11	12/31/09
Bermudagrass, hay	40	12/31/09
Cattle, fat	0.04	12/31/09
Cattle, meat	0.02	12/31/09
Cattle, meat by-products	0.50	12/31/09
Goat, fat	0.04	12/31/09
Goat, meat	0.02	12/31/09
Goat, meat by-products	0.50	12/31/09
Horse, fat	0.04	12/31/09
Horse, meat	0.02	12/31/09
Horse, meat by-products	0.50	12/31/09
Milk	0.02	12/31/09
Sheep, fat	0.04	12/31/09
Sheep, meat	0.02	12/31/09
Sheep, meat by-products	0.50	12/31/09

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Addition of White Abalone and the United States Distinct Vertebrate Population Segment of the Smalltooth Sawfish to the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service), are adding two marine taxa to the List of Endangered and Threatened Wildlife (List) in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). These two taxa are the white abalone (*Haliotis sorenseni*) and the United States Distinct Vertebrate Population Segment (DPS) of the smalltooth sawfish (*Pristis pectinata*). These amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for these species.

DATES: *Effective date:* This rule is effective November 16, 2005.

Applicability dates: The white abalone listing is applicable as of June 28, 2001. The United States DPS of the

smalltooth sawfish listing is applicable as of May 1, 2003.

FOR FURTHER INFORMATION CONTACT:

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Endangered Species Program, U.S. Fish
and Wildlife Service, 4401 N. Fairfax
Drive, Mail Stop 420, Arlington,
Virginia 22203 (703/358-2105).

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Act and the Reorganization Plan No. 4 of 1970, NMFS has jurisdiction over these taxa. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Service is responsible for the actual amendment of the List in 50 CFR 17.11(h).

On May 5, 2000, NMFS published a proposed rule (65 FR 26167) to list the white abalone as endangered. During the public comment period for that proposed rule, NMFS received nine written comments. On May 29, 2001, NMFS published a final rule to list the white abalone as endangered (66 FR 29046). The listing was effective as of June 28, 2001. In that final rule, NMFS addressed all public comments received in response to the proposed rule.

On April 16, 2001, NMFS published a proposed rule to list the smalltooth sawfish as endangered on (66 FR 19414). During the 60-day public comment period, NMFS received 12 written comments on the proposed rule.

On April 1, 2003, NMFS published a final rule to list the DPS of smalltooth sawfish in the United States as an endangered species (68 FR 15674). The listing was effective as of May 1, 2003. In that final rule, NMFS addressed all comments received in response to the proposed rule.

Because NMFS provided a public comment period on the proposed rules for these two taxa, and because this action of the Service to amend the List in accordance with the determination by NMFS is nondiscretionary, the Service has omitted the notice and public comment procedures of 5 U.S.C. 553(b) for this action.

For more information concerning these two listing determinations, please consult the respective rules published in the **Federal Register**.

Required Determinations

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

The Service has examined this regulation under the Paperwork

Reduction Act of 1995 and found it to contain no information collection requirements. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation

Regulation Promulgation

- Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

- 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

- 2. Amend § 17.11 by adding the following, in alphabetical order under FISHES and CLAMS, respectively, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

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Dated: September 15, 2005.

Marshall P. Jones, Jr.,

*Acting Director, U.S. Fish and Wildlife
Service.*

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