

INDIANA OZONE  
[8-Hour standard]

Designated area	Designation <sup>a</sup>		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Muncie, IN: .....	1/3/06	Attainment		
Delaware County .....				

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.  
<sup>1</sup> This date is June 15, 2004, unless otherwise noted.

[FR Doc. 05-22696 Filed 11-15-05; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[VA139-5073a; FRL-7997-6]

**Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions From Hospital/Medical/ Infectious Waste Incinerator Units; Correction**

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

**ACTION:** Direct final rule; correcting amendment.

**SUMMARY:** This document corrects an error in the rule Summary language of a final rule pertaining to EPA's approval of the Commonwealth of Virginia hospital/medical/infectious waste incinerator (HMIWI) section 111(d)/129 plan submitted by the Virginia Department of Environmental Quality (DEQ).

**DATES:** *Effective* November 16, 2005.

**FOR FURTHER INFORMATION CONTACT:** James B. Topsale, at (215) 814-2190 or by e-mail at [topsale.jim@epamail.epa.gov](mailto:topsale.jim@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever "we," or "our" are used we mean EPA. On September 10, 2004 (69 FR 54753), we published a final rulemaking action announcing our approval of the Commonwealth of Virginia hospital/medical/infectious waste incinerator (HMIWI) section 111(d)/129 plan. In that document, we inadvertently included language relating to commercial and industrial solid waste incinerator units in the rule Summary. The intent of the rule Summary was to briefly describe the applicability and

scope of the rule. This action corrects the erroneous language.

In rule document 04-20429 published in the **Federal Register** on September 10, 2004 (69 FR 54753), on page 54753 of the Summary, first column, revise the third sentence to read, "The plan establishes emission limits, monitoring, operating, and recordkeeping requirements for HMIWI units for which construction commenced on or before June 20, 1996." This revision is consistent with the promulgated Identification of Sources Provision, section 62.11626, of the noted rule and the related emissions guidelines under 40 CFR part 60, subpart Ce.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore 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 Fed. Reg. 28355 (May 22, 2001)). Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any

other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). 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, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) 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. This rule does not impose an information collection burden under 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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of November 16, 2005. 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**. This correction to the rule Summary (VA139-5073a) for Virginia is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfur acid plants, Waste treatment and disposal.

Dated: November 8, 2005.

**Donald S. Welsh,**

*Regional Administrator, EPA Region III.*

[FR Doc. 05-22701 Filed 11-15-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2004-0326; FRL-7741-7]

#### S-metolachlor; Pesticide Tolerance Technical Correction

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of August 31, 2005 concerning regulations establishing tolerances for combined residues (free and bound) of S-metolachlor in or on certain commodities as set forth in Unit II. of the **SUPPLEMENTARY INFORMATION** of that document. This document is being issued to correct errors in the amendatory language and amendments. **DATES:** This final rule is effective on August 31, 2005.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** final rule of August 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sidney Jackson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7610; e-mail address: [jackson.sidney@epa.gov](mailto:jackson.sidney@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

Please refer to the final rule that published on August 31, 2005 for general information about potentially affected entities and accessing this document electronically.

##### **II. What Does This Correction Do?**

EPA published in the **Federal Register** of August 31, 2005 (70 FR 51628) (FRL-7716-1) regulations establishing tolerances for combined residues of S-metolachlor in or on certain commodities as set forth in Unit II of the **SUPPLEMENTARY INFORMATION** of that document. Portions of the regulatory amendments and the regulatory text were set out incorrectly. This document is being published to correct those errors.

##### **III. Why Is This Correction Issued as a Final Rule?**

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public

interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's technical correction final without prior proposal and opportunity for comment, because the use of notice and comment procedures are unnecessary to effectuate this correction. As such, EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

#### **IV. Do Any of the Statutory and Executive Order Reviews Apply to This Action?**

No. This action only corrects errors in the amendatory language for a previously published final rule and does not impose any new requirements. EPA's compliance with the statutes and Executive Orders for the underlying rule is discussed in Unit VII. of the August 31, 2005, final rule (70 FR 51628).

#### **V. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, 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, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 28, 2005.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

#### **PART 180—[AMENDED]**

■ Therefore, 40 CFR part 180 is corrected as follows:

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

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

#### **§ 180.368 [Corrected]**

■ 2. On page 51637, in the second column, in the amendments to § 180.368, amendatory instruction 2. iii. should read: By designating the existing