

INDIANA OZONE
[8-Hour standard]

Designated area	Designation ^a		Classification	
	Date ¹	Type	Date ¹	Type
* * *	*	*	*	*
Muncie, IN:	1/3/06	Attainment		
Delaware County				
* * *	*	*	*	*

^a Includes Indian Country located in each county or area, except as otherwise specified.¹ 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.**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.

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