

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 FFDCFA. 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.

## XI. 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: March 30, 2006.

**Janet L. Andersen,**

*Director, Biopesticides and Pollution Prevention 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 180.1237 is revised to read as follows:

#### § 180.1237 Sodium metasilicate; exemption from the requirement of a tolerance.

(a) An exemption from the requirement of a tolerance is established for residues of sodium metasilicate in or on all food commodities when used in accordance with approved label rates and good agricultural practices as a plant desiccant, so long as the sodium metasilicate does not exceed 4% by weight in aqueous solution.

(b) An exemption from the requirement of a tolerance is established for residues of sodium metasilicate in or on all food commodities when used in accordance with approved label rates and good agricultural practices as an insecticide and fungicide, so long as the sodium metasilicate does not exceed 2.41% by weight in aqueous solution.

[FR Doc. 06-3549 Filed 4-13-06; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2005-0205; FRL-7766-2]

#### Cyfluthrin; 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 September 13, 2005, concerning the establishment of pesticide tolerances for residues of the insecticide cyfluthrin in/on several agricultural commodities. This document is being issued to correct omissions concerning the entry for wheat milled by products, except flour.

**DATES:** This final rule is effective April 14, 2006.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-

OPP-2005-0205. All documents in the docket are listed on the regulations.gov website. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Docket Facility is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9369; e-mail address: [odiott.olga@epa.gov](mailto:odiott.olga@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using regulations.gov (<http://www.regulations.gov>), you may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

#### II. What Does this Correction Do?

FR Doc. 05-17823 published in the **Federal Register** of September 13, 2005 (70 FR 53944) (FRL-7725-7) is corrected as follows:

1. On page 53944, in the first column, under **SUMMARY**, seventh line from the bottom, add "wheat bran;" before "wheat forage;" and "wheat shorts;" after "wheat hay;".

2. On page 53945, in the first column, first full paragraph, fourth line from the bottom, the text after “vi.” should read “by replacing the tolerance for wheat milled products with wheat bran at 6.5 ppm and wheat shorts at 11.0 ppm.”

3. On the same page, in the same column, second full paragraph, add the following text after the last sentence: “EPA is removing the tolerance for wheat milled byproducts since it is no longer needed with the establishment of tolerances for wheat bran and wheat shorts.”

**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 corrections of the subject tolerances do

not underestimate the aggregate dietary exposures and risks from cyfluthrin uses. Therefore, the nature of these changes are not considered significant. 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. Refer to the discussion provided under **Statutory and Executive Order Reviews** in the **Federal Register** document of September 13, 2005.

**V. 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: April 4, 2006.

**Meredith F. Laws,**

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

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

**PART 180—[AMENDED]**

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

**Authority:** 21 U.S.C. 321 (q), 326a and 371.

■ 2. Section 180.436 is amended in paragraph (a)(1), in the table, by removing the commodity wheat milled byproducts and by alphabetically adding new commodities to read as follows:

**§ 180.436 Cyfluthrin; tolerances for residues.**

(a) *General.* (1)\* \* \*

Commodity					Parts per million
*	*	*	*	*	*
Wheat, bran .....					6.5 ppm
*	*	*	*	*	*
Wheat, shorts					11.0 ppm
*	*	*	*	*	*

\* \* \* \* \*

[FR Doc. 06-3550 Filed 4-13-06; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL-8158-4]

**Washington: Final Authorization of State Hazardous Waste Management Program Revisions**

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

**ACTION:** Immediate final rule; authorization of State-initiated changes.

**SUMMARY:** During a review of Washington’s regulations, EPA identified a variety of State-initiated changes to Washington’s hazardous waste program under the Resource Conservation and Recovery Act, as amended, (RCRA), for which the State had not previously sought

authorization. We have reviewed Washington’s changes to its program and have determined that these changes are minor and satisfy all requirements needed to qualify for final authorization, therefore we are authorizing the State-initiated changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments that oppose this authorization during the comment period, the decision to authorize Washington’s changes to its hazardous waste program will take effect June 13, 2006. If we receive comments that oppose this action, EPA will publish a document in the **Federal Register** withdrawing this rule before it takes effect. EPA will then address public comments in a later final rule based on the proposed rule in today’s **Federal Register**. If we receive comments that oppose only the authorization of a

particular change to the State hazardous waste program, we will withdraw that part of today’s rule. However, the authorization of program changes that are not opposed by any comments will become effective on the date specified above. A **Federal Register** withdrawal document will specify which part of the authorization will become effective and which part is being withdrawn. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action must do so at this time. Today’s document also makes corrections to the table included in the authorization **Federal Register** document for Washington published on October 12, 1999.

**DATES:** This final authorization will become effective on June 13, 2006, unless EPA receives adverse written comments on or before May 15, 2006.

**ADDRESSES:** Submit your comments, identified by EPA-R10-RCRA-2006-0087 by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the