

**§ 157.208 Dedicated Clean Ballast Tanks Operations Manual for foreign tank vessels: Submission.**

\* \* \* \* \*

(Reporting and Recordkeeping requirements approved by the Office of Management and Budget under control number 1625-0036)

- 69. Revise the parenthetical at the end of § 157.214 to read as follows:

**§ 157.214 Required documents: U.S. tank vessels.**

\* \* \* \* \*

(Reporting and Recordkeeping requirements approved by the Office of Management and Budget under control number 1625-0036)

- 70. Revise the parenthetical at the end of § 157.216 to read as follows:

**§ 157.216 Required documents: Foreign tank vessels.**

\* \* \* \* \*

(Reporting and Recordkeeping requirements approved by the Office of Management and Budget under control number 1625-0036)

**PART 160—PORTS AND WATERWAYS SAFETY—GENERAL**

- 71. The authority citation for part 160 continues to read as follows:

**Authority:** 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1. Subpart C is also issued under the authority of 33 U.S.C. 1225 and 46 U.S.C. 3715.

- 72. In § 160.7—

■ a. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e);

■ b. Amend paragraph (b) by removing the reference “paragraph (d) of this section”, and adding a reference “paragraph (e) of this section” in its place;

■ c. Add a new paragraph (c); and

■ d. Revise newly designated paragraph (d); as follows:

**§ 160.7 Appeals.**

\* \* \* \* \*

(c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a District Commander may appeal to the Area Commander through the District Commander. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the Area Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made

available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the Area Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the Area Commander may, as a matter of discretion, allow oral presentation on the issues.

(d) Any person directly affected by the establishment of a safety zone or by an order or direction issued by an Area Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the Area Commander to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (b) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Marine Safety, Security and Environmental Protection. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

\* \* \* \* \*

**PART 164—NAVIGATION SAFETY REGULATIONS**

- 73. The authority citation for part 164 continues to read as follows:

**Authority:** 33 U.S.C. 1222(5), 1223, 1231; 46 U.S.C. 2103, 3703; Department of Homeland Security Delegation No. 0170.1 (75). Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

**§ 164.15 [Amended]**

- 74. In § 164.15, paragraph(a)(1), remove the word “hip” and add, in its place “ship”.

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

- 75. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Public Law 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 76. In § 165.5, remove the parenthetical after paragraph (b)(6) and add a new parenthetical at the end of the section to read as follows:

**§ 165.5 Establishment procedures.**

\* \* \* \* \*

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020)

- 77. Revise § 165.501 (d)(9)(iv) as set out below:

**§ 165.501 Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area.**

\* \* \* \* \*

(d) \* \* \*

(9) \* \* \*

(iv) The designated representative of the Captain of the Port is the Sector Command Center (SCC)—Joint Harbor Operations Center (JHOC) which shall be contacted on VHF-FM channel 12, or by calling (757) 668-5555.

\* \* \* \* \*

Dated: July 6, 2006.

**Stefan G. Venckus,**

*Chief, Office of Regulations and Administrative Law, United States Coast Guard.*

[FR Doc. E6-10890 Filed 7-11-06; 8:45 am]

**BILLING CODE 4910-15-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2006-0053;FRL-8073-3]

**Imidacloprid; 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 March 22, 2006, concerning the establishment of pesticide tolerances for combined residues of imidacloprid on oats and rye. This document is being issued to correct a typographical error and a typographical omission.

**DATES:** This final rule is effective on July 12, 2006.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2006-0053. All documents in the docket are listed in the index for the docket. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, 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:** Meredith Laws, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-7038; e-mail address: [laws.meredith@epa.gov](mailto:laws.meredith@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 [www.regulations.gov](http://www.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. 06-2712 published in the **Federal Register** of March 22, 2006 (71 FR 14406) (FRL-7766-8), in the amendment to § 180.472 is being corrected because the table in paragraph (a) was inadvertently published as a two column table. The table should have appeared as a three column table. The omitted third column should include the heading “Expiration/Revocation Date”, and the entry “None” to correspond to the tolerance listed in each row. The amendment also includes a typographical error and lists the established tolerance level for “Oats, forage”, as “a2.0” parts per million. This typographical error is being corrected as well.

**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 March 22, 2006, final rule (71 FR 14406).

**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: June 28, 2006.

**Donald R. Stubbs,**

*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), 346a and 371.

■ 2. Section 180.472 is amended by alphabetically adding commodities to the table in paragraph (a) to read as follows:

**§ 180.472 Imidacloprid; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million	Expiration/Revocation Date
* * *	* * *	* * *
Oats, forage	2.0 .....	None
Oats, grain	0.05 .....	None
Oats, hay	6.0 .....	None
Oats, straw	3.0 .....	None
* * *	* * *	* * *
Rye, forage	2.0 .....	None
Rye, grain	0.05 .....	None
Rye, hay	6.0 .....	None
Rye, straw	3.0 .....	None

\* \* \* \* \*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 281**

[FRL-8195-8]

**Indiana; Final Approval of State Underground Storage Tank Program****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of Final Determination on the State of Indiana's Application for Final Approval.

**SUMMARY:** The State of Indiana has applied for approval of the underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Indiana application and has reached a final determination that Indiana's underground storage tank program satisfies all of the requirements necessary to qualify for approval under the regulations. Thus, the EPA is granting final approval to the State of Indiana to operate its Underground Storage Tank Program for petroleum and hazardous substances.

**DATES:** *Effective Date:* Final approval for the State of Indiana's Underground Storage Tanks Program is effective on August 11, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-UST-2006-0188. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available. *e.g.*, 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 form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the following addresses; Indiana Department of Environmental Management, File Room located on the 12th floor of the Indiana Government Center—North, 100 North Senate Avenue 46204, Telephone: (317) 234-0963, Monday through Friday, 8:30 a.m. through 4:30 p.m.; and U.S. EPA Region 5, Underground Storage Tank Section, 77 West Jackson Blvd., Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We

recommend you telephone Sandra Siler, Enforcement Officer, at (312) 886-0429 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Tschampa, Chief, Underground Storage Tank Section, U.S. EPA Region 5, DU-7J, 77 West Jackson Blvd., Chicago, Illinois, Telephone: (312) 886-6136.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval may be granted by EPA pursuant to RCRA section 9004(b), if the Agency finds that the State program: Is "no less stringent" than the Federal program for the seven elements set forth at RCRA section 9004(a)(1) through (7); includes the notification requirements of RCRA section 9004(a)(8); and provides for adequate enforcement of compliance with UST standards of RCRA section 9004(a). Note that RCRA sections 9005 (on information-gathering) and 9006 (on Federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the State authorized analogues to these provisions.

**II. Indiana**

The Indiana Department of Environmental Management (IDEM) is the implementing agency for underground storage tank (UST) activities in the State.

IDEM UST/LUST program was first implemented in 1986 and IDEM recently amended its technical rules, which came into effect October 2004. Indiana adopted UST program regulations for petroleum and hazardous substance underground storage tanks. Prior to the adoption of the regulations, Indiana solicited public comments on the draft UST program regulations.

IDEM submitted their application for State Program Approval (SPA) of Indiana's UST program to U.S. EPA by letter dated April 5, 2005. EPA reviewed

IDEM's application and determined it to be complete. EPA notified IDEM in a June 22, 2005, letter that the Indiana application was complete. On March 22, 2006, the EPA published a tentative decision announcing its intent to grant Indiana final approval.

**III. Decision**

I conclude that the State of Indiana's application for final program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Indiana is granted final approval to operate its Underground Storage Tank Program for petroleum and hazardous substances. The State of Indiana now has the responsibility for managing all regulated underground storage tank facilities within its border and carrying out all aspects of the Underground Storage Tank Program. Indiana also has primary enforcement responsibility, although the EPA retains the right to conduct enforcement under section 9006 of RCRA.

**IV. Statutory and Executive Order Reviews**

This rule only applies to the Indiana Department of Environmental Management's underground storage tank program requirements pursuant to RCRA section 9004 and imposes no requirements other than those imposed by State law (see **SUPPLEMENTARY INFORMATION**). Therefore, this rule complies with applicable executive orders and statutory provisions as follows.

*1. Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this rule from its review under Executive Order (EO) 12866. *2. Paperwork Reduction Act*—This rule does not impose an information collection burden under the Paperwork Reduction Act. *3. Regulatory Flexibility Act*—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. *4. Unfunded Mandates Reform Act*—Because this rule codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act. *5. Executive Order 13132: Federalism*—EO 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct